

Item #1

THE MUNICIPAL CODE

OF

THE VILLAGE OF SYCAMORE HILLS

THE GENERAL ORDINANCES

PUBLISHED BY ORDER OF THE BOARD OF TRUSTEES

Chairman
Phillip Burke

Board Of Trustees
Tom Drennan
Robert Fitzgerald
Kevin Liebig
Carrie Woodrum

Village Clerk
Joy Drennan

Village Attorney
John Tajkowski

City Marshal
Terry Milam

*Included
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510*

ELEMENTARY STATEMENT

This edition of the Municipal Code of the Village of Sycamore Hills is the original codification of the Ordinances of the Village. In preparing this Code the editors used as source material, ordinances passed within the Village, various statutory Sections and modifications agreed upon during the editorial conferences and incorporated herein by the adopting ordinance. In order to trace the evolution of each Section, the reader's attention is directed to the history note appearing in parentheses at the end of that Section. The absence of such a note indicates that the section is new and was agreed upon at the editorial conference and adopted for the first time with the adoption of the Code. Two further sources of reference are to be found at the end of this Code. The first is a cross reference of the ordinances of a general and permanent nature that have been retained in this volume. The second is a cross reference of the State Statutes that are of a similar nature or enable the corresponding Section of this Code.

Format

The Code is divided into six Titles with Chapters of a like nature grouped therein. Each Chapter is given a three digit location number corresponding to the Title in which it resides. Each Section is given number corresponding to the Chapter in which it resides. This number is separated by a decimal point. The digits ahead of the decimal point represent the Chapter location and the digits behind the decimal point represent the Section within that Chapter. By allowing intervals between Chapter and Section designations, future additions to the Code have been facilitated. In operating under this format, the Village maintains great flexibility in the placement of new material.

Table of Contents and Alphabetical Index

For those frequent users who become very familiar with the Code, the editors have placed a Table of Contents in the front of the text. A complete list of all Chapter and Section headings enables the quick location of subject matter. Those less familiar with the Code and infrequent users will find an alphabetical index at the end of the Code. Much care is taken to ensure ease of access with this index while maintaining a reasonable size.

Update Service

As those who use this book are well aware, there is a need for constant revision. The use of a looseleaf binder is meant to facilitate this need. As new ordinances affecting this Code are passed, they should be forwarded to the publisher from time to time for adaptation to the Code. Update pages can then be forwarded to the Village for insertion in the Code. It is the ultimate responsibility of the holder of the volume to make sure that his or her book is brought up to date in this manner.

In Appreciation

The publishers would like to thank the following people for their time and effort during this recodification: Village Clerk, Joy Drennan and Village Attorney, John Tajkowski. In addition to their help, we are grateful to other department heads and staff members who devoted their time. This combined effort cannot help but end in a Code that the Village can be proud of and which will be a useful tool for the entire community for years to come.

**SULLIVAN PUBLICATIONS, INC.
ST. LOUIS, MISSOURI**

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CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. VILLAGE INCORPORATION AND SEAL

SECTION 100.010: MUNICIPAL INCORPORATION

The inhabitants of the Village of Sycamore Hills, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The Village of Sycamore Hills" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such Village and may purchase, receive and hold real estate within or without such Village for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof.

SECTION 100.020: VILLAGE SEAL

- A. The Seal of the Village of Sycamore Hills shall be an embossed metallic disc not more than two and one half (2½) inches in diameter, with the words "Village of Sycamore Hills" engraved in the border thereof, and the words, "Seal - Missouri" engraved in the center thereof.
- B. The Village Clerk shall be the keeper of the common Seal of the Village of Sycamore Hills, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the Village unless such impression be accompanied by the attestation and signature of the Village Clerk, and then only in cases authorized by law or the ordinances of this Village. (Ord. No. 76 §1, 8-9-55)

ARTICLE II. GENERAL CODE PROVISIONS

SECTION 100.030: CONTENTS OF CODE

This Code contains all ordinances of a general and permanent nature of the Village of Sycamore Hills, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar objects.

SECTION 100.040: CITATION OF CODE

This Code may be known and cited as the "Municipal Code of the Village of Sycamore Hills, Missouri".

SECTION 100.050: OFFICIAL COPIES OF CODE

At least three (3) copies of the published book shall be kept on file in the office of the Village Clerk and kept available for inspection by the public at all reasonable business hours.

SECTION 100.060: ALTERING OR AMENDING CODE

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Trustees, which may be prepared by the Village Clerk for insertion in this Code.

SECTION 100.070: NUMBERING OF CODE

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter.

SECTION 100.080: DEFINITIONS AND RULES OF CONSTRUCTION

- A. In the construction of this Code and of all other ordinances of the Village, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Trustees, or unless the context clearly requires otherwise:

BOARD OF TRUSTEES: The Board of Trustees of the Village of Sycamore Hills, Missouri.

CERTIFIED MAIL OR CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED: Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides record of the signature of the recipient.

CHAIRMAN: An officer of the Village known as the Chairman of the Board of Trustees of the Village of Sycamore Hills, Missouri.

COUNTY: The words "*the County*" or "*this County*" or "*County*" shall mean the County of St. Louis, Missouri.

DAY: A day of twenty-four (24) hours beginning at 12:00 Midnight.

MAY: Is permissive.

MONTH: A calendar month.

OATH: Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

OFFENSE: Shall mean and be the same as ordinance violation and is punishable as provided in Section 100.220 of this Code.

OWNER: The word "*owner*", as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

PERSON: May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING: When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: Includes real and personal property.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms "*real property*", "*premises*", "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

SIDEWALK: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

STATE: The words "*the State*" or "*this State*" or "*State*" shall mean the State of Missouri.

STREET: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TENANT, OCCUPANT: The words "*tenant*" or "*occupant*", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

VILLAGE: The words "*the Village*" or "*this Village*" or "*Village*" shall mean the Village of Sycamore Hills, Missouri.

WRITTEN, IN WRITING AND WRITING WORD FOR WORD: Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR: A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "year of our Lord".

- B. *Newspaper.* Whenever in this Code or other ordinance of the Village it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the Village", and if there is no newspaper published within the Village, the said notice shall be published in a newspaper of general circulation within the Village, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

SECTION 100.090: WORDS AND PHRASES—HOW CONSTRUED

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

SECTION 100.100: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

SECTION 100.110: CONTINUATION OF PRIOR ORDINANCES

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

SECTION 100.120: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except that all such proceedings shall be conducted according to existing procedural laws.

SECTION 100.130: REPEALING ORDINANCE REPEALED—FORMER ORDINANCE NOT REVIVED—WHEN

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall

any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

SECTION 100.140: SEVERABILITY

It is hereby declared to be the intention of the Board of Trustees that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the Board of Trustees without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

SECTION 100.150: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

SECTION 100.160: NOTICE

Whenever notice may be required under the provisions of this Code or other Village ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Village Officer, unless permission is given by said officer.

SECTION 100.170: NOTICE—EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

SECTION 100.180: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

SECTION 100.190: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

SECTION 100.200: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

SECTION 100.210: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

ARTICLE III. PENALTY**SECTION 100.220: GENERAL PENALTY**

- A. Whenever in this Code or any other ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the Village or County Jail not exceeding three (3) months, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the Village prison or workhouse instead of the County Jail.

- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

ARTICLE IV. MISCELLANEOUS CODE PROVISIONS

SECTION 100.230: NO SANCTUARY POLICY

- A. The Village of Sycamore Hills hereby confirms that it has not enacted any "sanctuary policy" as defined by Section 67.307, RSMo. To the extent that any Village ordinance, resolution, order or other official action limits or prohibits any Village Official or employee from communicating or cooperating with Federal agencies or officials to verify or report the immigration status of any alien within the Village or purports to grant to illegal aliens the right to lawful presence or status within the Village in violation of Federal law, such ordinance, resolution, order or other official action is hereby repealed.

The Village and its officials shall not in any way restrict any governmental entity or official from communicating or cooperating with the United States Bureau of Immigration and Customs Enforcement regarding citizenship or immigration status of any individual. No person or agency within the Village shall prohibit or in any way restrict a public employee from taking any of the following actions with respect to information regarding the immigration status of any individual:

1. Sending such information to or requesting or receiving such information from the United States Bureau of Immigration and Customs Enforcement;
 2. Maintaining such information; or
 3. Exchanging such information with any other Federal, State or local government entity.
- B. The Village Clerk shall ensure that the Village's intent to fully comply with Section 67.307.3, RSMo., is communicated to any municipality it contracts with for Police and court services by providing written notice to said Municipal Judge and Chief of Police. This letter will express the Village's desire that each current and future Law Enforcement Officer of their duty to cooperate with State and Federal agencies and officials on matters pertaining to enforcement of State and Federal laws governing immigration and request that the Chief of Police cause the Police Department to exert reasonable efforts to verify from documents in the possession of a person the lawful immigration status of any such person who is charged and confined to jail and otherwise, including to the extent necessary verification within forty-eight (48) hours through a query to the Law Enforcement Support Center of the United States Department of Homeland Security or successor office or agency and also to notify said Department if any prisoner is determined to be in the United States unlawfully.
 - C. No alien unlawfully present in the United States shall receive any State or local public benefit from the Village in violation of State or Federal law, including any grant, contract or loan, retirement, welfare, health, post-secondary education, scholarship, disability, housing or food assistance benefit.

Applicants for such benefits shall comply with State law including Section 208.009, RSMo. The Village and its employees shall comply with such laws in processing such applications, including by cooperating with the United States Department of Homeland Security in achieving verification of an alien's lawful presence in the United States.

- D. The Village Clerk shall supervise the review of all Village employment practices to ensure compliance with new State laws regarding classification of independent contractors and confirmation of eligibility for employment of any alien, including enrollment and active participation in a Federal work authorization program, if available.
- E. The Village Clerk shall supervise the review of Village bidding and contracting procedures to ensure compliance with new State laws regarding contractor commitments to confirm eligibility for employment of any alien and to employee safety training.

In conjunction with the review of any application for a Village occupational or business license, the Village shall consult any database available under Section 285.543, RSMo., regarding suspension of licenses and permits of businesses that violate State alien employment restrictions. The Village shall abide by directions received from any court or the Attorney General regarding suspension of such licenses and permits for such violations. (Ord. No. 429 §§1—5, 7-18-08)

CHAPTER 105: ELECTIONS

SECTION 105.010: CONFORMANCE OF VILLAGE ELECTIONS WITH STATE LAW

All Village elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

SECTION 105.020: DATE OF MUNICIPAL ELECTION

- A. A municipal election for the qualified voters of this Village shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the Village of Sycamore Hills shall be held for the purpose of electing three (3) Trustees who shall hold their offices for a term of two (2) years and until their successors are elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the Village of Sycamore Hills shall be held for the purpose of electing two (2) Trustees who shall hold their offices for a term of two (2) years and until their successors are elected and qualified.

SECTION 105.030: DECLARATION OF CANDIDACY—DATES FOR FILING

Any person who desires to become a candidate for an elective Village office at the general Village election shall file with the Village Clerk, not prior to the hour of 8:00 A.M. on the sixteenth (16th) Tuesday prior to nor later than 5:00 P.M. on the eleventh (11th) Tuesday prior to the next Village municipal election, a written declaration of his/her intent to become a candidate at said election. The Village Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election and the date of their filing, and their names shall appear on the ballots in that order. (Ord. No. 339 §2, 10-8-96)

SECTION 105.035: NO ARREARAGE FOR MUNICIPAL TAXES OR USER FEES PERMITTED FOR OFFICIALS OR CANDIDATES

- A. No person shall be a candidate for municipal office unless such person complies with the provisions of Section 115.346, RSMo., regarding payment of municipal taxes or user fees.
- B. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid Village taxes or forfeiture or defalcation in office.

Editor's Note—As to arrearage or delinquency in all taxes, §115.342, RSMo.

SECTION 105.040: DECLARATION OF CANDIDACY—NOTICE TO PUBLIC

The Village Clerk shall, on or before the sixteenth (16th) Tuesday prior to any election at which

Village offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the Village.

SECTION 105.050: NOTICE OF ELECTIONS

In Village elections, the Village Clerk shall notify the Board of Election Commissioners prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any Village election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Trustees is calling the election, the purpose of the election, the date of the election and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

CHAPTER 110: CHAIRMAN AND BOARD OF TRUSTEES

ARTICLE I. CHAIRMAN AND BOARD OF TRUSTEES—GENERALLY

SECTION 110.010: TRUSTEES—QUALIFICATIONS

No person shall be a Trustee who has not attained the age of twenty-one (21) years; who is not a citizen of the United States; who is not an inhabitant of the Village at the time of his/her election and has not resided therein for one (1) whole year next preceding the time of his/her election.

SECTION 110.020: TRUSTEES—OATH—ORGANIZATION—MEETINGS

Every Trustee, before entering upon the duties of his/her office, shall take the oath prescribed by the Constitution of this State, and that he/she will faithfully demean himself/herself in office. Every Board of Trustees shall assemble within twenty (20) days after their appointment or election and choose a Chairman of their number and some other person as Clerk. The Chairman may vote on any proposition before the Board. The Board of Trustees, by law or ordinance, shall fix the time and place of holding their stated meetings and may be convened by the Chairman at any time.

SECTION 110.030: BOARD OF TRUSTEES MEETINGS—WHEN HELD

- A. *Regular Meetings.* The Board of Trustees of this Village shall meet in regular session in a designated meeting area at the hour of 7:00 P.M. on the third (3rd) Thursday of each month.
1. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board on motion at the previous meeting.
 2. The Board may, by motion, dispense with any regular meeting but at least one (1) meeting, regular or special, must be held in each calendar month.
 3. The Chairperson may call a special meeting of the Board or reschedule the date or time of a regular meeting of the Board either by announcement at a regularly scheduled meeting of the Board or by notice to the Board members at least ten (10) days prior to the special or rescheduled meeting and by written notice to the public posted in at least six (6) locations throughout the Village at least seven (7) days prior to the special or rescheduled meeting.
- B. Special meetings of the Board of Trustees of the Village of Sycamore Hills may be called by any two (2) members of the Board by requesting such special meeting with the Village Clerk who shall thereupon prepare a notice of such special meeting. Special meetings may also be called by the Chairman of the Board in the same manner.
- C. The regular and stated meetings of the Board of Trustees of the Village of Sycamore Hills shall be held and convened at the Calvary Evangelical and Reformed Church, Hartland and Graceland Avenues, Village of Sycamore Hills, County of St. Louis, Missouri. (Ord. No. 65 §2, 5-14-53; Ord. No. 363 §§1—2, 4-20-99)

SECTION 110.040: TRUSTEES—QUORUM

At all meetings of the Board, a majority of the Trustees shall constitute a quorum to do business; a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the Board of Trustees previously, by ordinance, may have prescribed.

SECTION 110.050: MEMBERS MUST ATTEND MEETINGS

When a member of the Board of Trustees does not attend a regular meeting of the Board of Trustees but shows good cause of his/her failure to so attend, the Trustees attending such meeting by a vote of the majority thereof, may cause compensation as set forth in Section 110.200 hereof to be paid to such absent Trustee as if he/she were present for such meeting, upon a finding that such absent Trustee has otherwise performed all other duties required of him/her during the month preceding such meeting. (Ord. No. 414 §3, 2-15-07)

SECTION 110.060: EFFECT OF ADJOURNED MEETINGS

All adjourned meetings of the Board shall, to all intents and purposes, be continuations of the meetings of which there are adjournments, and the same proceedings may be had at such adjourned meetings as at the meeting of which there are adjournments.

SECTION 110.070: DUTIES OF CHAIRMAN AS PRESIDENT OF THE BOARD

- A. At the hour designated for Board meetings, the Chairman shall call the Board of Trustees to order, and he/she shall act as President of the Board.
- B. The Chairman shall appoint all committees, subject to the advice and consent of the Board of Trustees, the appointment or election of which is not otherwise provided for by this Code or other ordinance.

SECTION 110.080: DECORUM

The Presiding Officer of the Board of Trustees shall preserve decorum and shall decide all questions of the order of motions before the Board.

SECTION 110.090: VOTING

Every member of the Board, including the Chairman, shall vote upon every question and when requested by any member, the vote upon any question shall be taken by "ayes" and "nos" and be recorded.

SECTION 110.100: PERMISSION REQUIRED FOR MEMBERS TO LEAVE CHAMBER

No member of the Board of Trustees may leave the Council Chamber in regular or special session without permission from the Presiding Officer.

SECTION 110.110: SPECIAL COMMITTEES

All special committees shall be appointed by the Chairman unless otherwise ordered by a majority of the Board. By consent of a majority of the Board, a special committee may be appointed at any time to hold public hearings for the Board upon any matter pending before it, and the committee will report to the Board of Trustees the result of those public hearings and their recommendations. A special committee shall be composed in part of members of the Board of Trustees; the concurrence of the Board shall not be required as to the membership of the special committee, unless the Board shall order otherwise.

SECTION 110.120: AMENDMENT OR SUSPENSION OF RULES

Any rule of the Village Board of Trustees may be repealed, altered or amended by a majority vote of the members. Every amendment offered shall lie on the table until the next meeting of the Board before being voted upon except by the unanimous consent of all elected members of the Board of Trustees (including the Chairman). Any rule may be suspended by a majority vote of the members of the Board or quorum being present by unanimous consent.

SECTION 110.130: PROCEDURE

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance and any question arising thereunder shall be decided by the Chairman subject to appeal to the Board of Trustees by any member.

SECTION 110.140: BOARD OF TRUSTEES TO KEEP A JOURNAL

The Board of Trustees shall keep a journal of their proceedings and, at the desire of any member, shall cause the "yeas" and "nays" to be taken and entered on the journal on any question, resolution or ordinance. Their proceedings shall be public.

SECTION 110.150: ORDINANCES—HOW PASSED

The style of ordinances of the Village of Sycamore Hills shall be: "Be it ordained by the Board of Trustees of the Village of Sycamore Hills, as follows:". No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the Board of Trustees vote therefor, and the "yeas" and "nays" be entered upon the journal; every proposed ordinance shall be introduced to the Board of Trustees in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Trustees. If the proposed ordinance is read by title only, copies of the proposed ordinances shall be made available for public inspection prior to the time the bill is under consideration by the Board

of Trustees. All ordinances shall be in full force and effect from and after their passage after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.

SECTION 110.160: TRUSTEES—PUBLICATION OF ORDINANCES—CHAIRMAN

The Chairman of the Board shall cause to be printed and published the bylaws and ordinances of the Board, for the information of the inhabitants, and cause the same to be carried into effect. He/she shall remain in office for the term for which he/she is appointed or elected as a Trustee; but in case of his/her absence at any meeting of the Board, the Board may appoint a Chairman pro tempore, and in case he/she shall die, resign, be removed from office or remove from the Board of Trustees shall appoint one of their number Chairman, who shall hold the office for the unexpired term.

SECTION 110.170: TRUSTEES—SEMI-ANNUAL REPORTS

The Chairman of the Board of Trustees shall semi-annually make out a correct statement of all monies received and expended on account of the Village of Sycamore Hills during the six (6) months next preceding and shall cause such statement, within ten (10) days thereafter, to be published either in some newspaper printed in the Village or by causing copies of such statement to be put up in six (6) of the most public places in the Village.

SECTION 110.180: TRUSTEES—VACANCY, HOW FILLED

All vacancies in the Board of Trustees shall be filled by the remaining members of the Board. In case the office of Chairman becomes vacant, the remaining members shall select one (1) of their own number as temporary Chairman and then proceed to elect some person to fill such vacancy; provided, the Chairman or temporary Chairman shall have no vote except in case of a tie.

SECTION 110.190: INDEMNIFICATION

The Village of Sycamore Hills, Missouri, shall and does hereby indemnify any person who is or was a member of the Board of Trustees of the Village of Sycamore Hills, Missouri, or any member of a Village board or commission against any and all expenses (including attorney's fees), judgments, fines and amounts paid in settlement incurred by such person in connection with any civil, criminal, administrative or investigative action, suit, proceeding or claim (including an action by or in the right of the Village) by reason of the fact that such person is or was serving in such capacity; provided however, that no such person shall be entitled to any indemnification on account of conduct which is finally adjudged to have been knowingly fraudulent, deliberately dishonest, willful or wanton misconduct or gross negligence. Nothing in this Section shall be construed as waiving any defenses, at law or in equity, of the Village or its employees, officers, agents, members of any Village board or commission or member of the Village Board of Trustees.

SECTION 110.200: SALARIES

The Board of Trustees shall have the power to fix the compensation of all officers or employees of the Village by ordinance. In addition to the fees allowed by this Code or other law or ordinance,

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the Village Officers shall receive such compensation for their services as the Board of Trustees shall from time to time provide.

CHAPTER 115: ADMINISTRATION

ARTICLE I. GENERALLY

SECTION 115.010: OFFICERS ENUMERATED

The officers of this Village shall consist of:

1. The following elective officers:
 - a. The Trustees.
2. The following appointive officers:
 - a. Village Clerk,
 - b. Deputy Village Clerk,
 - c. Treasurer,
 - d. Attorney, and
 - e. Such other agents as may be appointed from time to time.

SECTION 115.020: TERM—COMPENSATION

Appointed officials shall serve in their respective offices at the will of the Board of Trustees unless otherwise provided by ordinance. Compensation shall be as provided by ordinance.

SECTION 115.025: AT WILL APPOINTMENTS

Notwithstanding anything herein to the contrary, the Village Clerk, Deputy Village Clerk, Treasurer/Collector and Building Commissioner each shall serve in and hold the respective offices at the will of the Chairperson and the Board of Trustees and, upon termination of appointment to the office, whether with or without cause, shall not be entitled to further compensation. (Ord. No. 414 §10, 2-15-07)

SECTION 115.030: EXPENSE REIMBURSEMENT

- A. *Reimbursement.* Each Trustee shall, upon submission of appropriate receipt, voucher, or other documentation to the Village Treasurer/Collector, be entitled to reimbursement for costs and expenses necessarily or reasonably incurred in the performance of the duties of Trustee; provided however, that unless said cost or expense is incurred pursuant to prior authorization by the Board of Trustees, such Trustee incurring said cost or expense shall submit proof satisfactory to the Board of Trustees that said cost or expense was incurred in connection with the performance of the duties

and office of Trustee and shall only be reimbursed for said cost or expense upon approval by the remaining members of the Board of Trustees.

- B. The Village Clerk, Deputy Village Clerk, Treasurer/Collector and Building Commissioner shall, upon submission of such receipt, voucher, or other documentation reasonably required by the Board of Trustees, be reimbursed for any cost or expense approved by the Board of Trustees and incurred in the general performance of his/her duties. (Ord. No. 414 §§5, 9, 2-15-07)

SECTION 115.040: BOND

The Village shall obtain a bond with good and sufficient surety in any sum not less than fifty thousand dollars (\$50,000.00) to ensure faithful performance according to law by the Village Clerk and Treasurer.

SECTION 115.050: OATH OF OFFICE—BOND GENERALLY

Every officer of the Village and his/her assistants and every Trustee before entering upon the duties of his/her office shall take and subscribe to an oath or affirmation before some person authorized to administer oaths that he/she possesses all qualifications prescribed for his/her office by law; that he/she will support the Constitutions of the United States and of this State, the provisions of all laws of this State affecting the Village and the Code of Ordinances and other ordinances of the Village; and faithfully demean himself/herself while in office, which oath or affirmation shall be filed with the Village Clerk. Every officer of the Village, when required by this Code or other law or ordinance, shall, within fifteen (15) days after his/her appointment or election and before entering upon the discharge of the duties of his/her office, give bond to the Village in such sum and with such sureties as will meet the requirements of the State law as well as this Code, conditioned upon faithful performances of his/her duty, and that he/she will pay over all money belonging to the Village and fully account for the same, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the Village, or by any person in the name of the Village, to the use of such person.

SECTION 115.060: ADMINISTRATION OF OATHS

The Village Clerk is hereby empowered and authorized to administer oaths or affirmations.

ARTICLE II. VILLAGE ATTORNEY

SECTION 115.070: APPOINTMENT—TERM

The Chairman, with the advice and consent of the Board of Trustees, at the first (1st) meeting after each annual Village election shall appoint a suitable person as Village Attorney who shall hold office for one (1) year, unless sooner removed from office, and until his/her successor is appointed and qualified.

SECTION 115.080: QUALIFICATIONS

No person shall be appointed to the office of Village Attorney unless he/she be a licensed and practicing attorney at law in this State.

SECTION 115.090: DUTIES—GENERALLY

The Village Attorney shall, in addition to his/her other duties which are or may be required by this Code or other ordinance, prepare all charges or complaints against any party or parties charged with violation of this Code or other ordinance of the Village and when ordered by the Chairman or Board of Trustees to do so, to prosecute or defend all suits and actions originating or pending in any court of this State to which the Village is a party or in which the Village is interested.

1. The Village Attorney shall make, and he/she is hereby authorized and empowered to make, affidavits on behalf of the Village in all cases where the same may be necessary in taking an appeal or change of venue or any other matter necessary to proper legal proceedings.
2. The Village Attorney shall give his/her opinion to all Village Officials.

ARTICLE III. VILLAGE CLERK**SECTION 115.100: SELECTION BY BOARD OF TRUSTEES**

The Board of Trustees shall elect a Village Clerk at the first (1st) meeting of the Board after each annual election, who shall hold office one (1) year and until his/her successor is elected and qualified.

SECTION 115.110: QUALIFICATIONS

The Village Clerk shall be at least twenty-one (21) years of age and may be, but need not be, a qualified voter of the Village and may, but need not, reside in the Village.

SECTION 115.115: DUTIES—GENERALLY

The Village Clerk shall, in addition to other duties which are or may be required of him/her by this Code or other ordinance, attend all meetings of the Board of Trustees.

1. He/she shall have the custody of the books, records, papers and documents belonging to the Village.
2. He/she shall prepare all certificates of election or notification of appointment to the Village Officers concerning election results.
3. He/she shall countersign all Village bonds, warrants, drafts and orders upon the Treasury for money and shall see that all ordinances appropriating money out of the Treasury are endorsed

by the Treasurer before passage and shall affix thereto the Seal of the Village and keep a record thereof showing the number, date and amount thereof, the name of the person to whom and on what account issued, and when redeemed.

4. He/she shall record the certificates, oaths and bonds of all the Village Officers.
5. He/she shall keep an index of the records of the proceedings of the Board of Trustees.
6. He/she shall prepare semi-annually a statement of the receipts and expenditures of the Village and submit to the Chairman of the Board of Trustees so that the same shall be published in a newspaper in the Village.
7. He/she shall prepare blank licenses for all purposes for which licenses are required to be issued and, when required, shall cause the same to be issued, signing his/her name and affixing the Seal of the Village thereto and shall keep an account of such licenses and the amount of the license tax thereon.
8. He/she shall furnish without delay to any person, when called upon during business hours to do so, certified copies of any records, books or papers which are in his/her custody, for which services a reasonable fee to be set by Village ordinance may be charged and which shall be paid by the person demanding such certified copy into the Treasury of the Village.
9. He/she shall do any other duties as ordered by the Board of Trustees.

SECTION 115.120: TEMPORARY VILLAGE CLERK

- A. Upon temporary disability or inability of the Village Clerk to perform his/her duties as set forth in this Code or other ordinances of the Village due to illness, absence from the Village or other cause, the Board of Trustees shall, in the same manner as the Village Clerk is elected as set forth in Section 115.100, proceed to elect a temporary Village Clerk who shall have the same powers and duties as the regular Village Clerk and shall hold office until the disability of the Village Clerk is removed.
- B. Such temporary Village Clerk shall receive as compensation such salary as the Board of Trustees shall provide for at the time of the election of such officer.

ARTICLE IV. VILLAGE COLLECTOR/TREASURER

SECTION 115.130: VILLAGE COLLECTOR/TREASURER

The Village Clerk shall serve as Village Collector and Treasurer for the Village of Sycamore Hills and assume all duties specified by ordinance.

SECTION 115.140: DUTIES—GENERALLY

The Treasurer shall receive and safely keep all money of the Village which may come into his/her hands and shall disburse the same only upon warrants properly drawn and which are signed by the Chairman and attested by the Village Clerk. He/she shall keep, in a set of books provided for that purpose, a full and accurate account of all money received and disbursed by him/her on behalf of

the Village specifying the date of receipt or disbursement, from whom received, to whom disbursed and on what account received and disbursed. He/she shall keep a separate account of each fund and appropriation and the debits and credits belonging thereto. He/she shall keep a register of all warrants paid into the Treasury describing such warrants by their date, number, name of payee and amount, specifying the time of receipt thereof, from whom received and on what account. He/she shall issue duplicate receipts for all sums of money which may be paid into the Treasury, specifying in such receipts the date of payment and upon what account paid. One (1) of these receipts shall be given to the person making the payment and the other he/she shall file with the Village Clerk who shall thereupon credit the person named in the receipt with the amount of his/her payment and charge the Treasurer with the same. On the last week of each month he/she shall furnish the Village Clerk with a written statement showing the balance in the Treasury at the beginning of the month, the amount received during the month and on what account disbursed, and the balance remaining to the credit of each fund constituting the general balance in the Treasury at the close of business on the date when such statement is made as aforesaid. He/she shall receive and safely keep all warrants, bonds and obligations of the Village entrusted to his/her care and shall dispose of the same only upon proper authority from the Board of Trustees or as provided by this Code or other ordinances.

SECTION 115.150: BOOKS OF THE VILLAGE

To the maximum extent practicable, the books of the Village shall be kept in accordance with approved accounting procedures.

SECTION 115.160: ANNUAL REPORT

The Village Treasurer shall report to the Board of Trustees, at its first (1st) regular meeting held in August of each year, the amount of receipts and disbursements of the Treasury during the preceding year, the balance remaining to the credit of each fund and constituting the general balance in the Treasury on the first (1st) day of July; also the amount of bonds maturing in the succeeding year for the redemption of which provision must be made, and the amount of money required to pay the interest falling due on the indebtedness of the Village during such year.

CHAPTER 120: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 120.010: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

COPYING: If requested by a member of the public, copies provided as detailed in Section 120.100 of this Chapter, if duplication equipment is available.

PUBLIC BUSINESS: All matters which relate in any way to performance of the Village's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the Village, judicial entities when operating in an administrative capacity or by executive order, including:

1. Any advisory committee or commission appointed by the Chairman or Board of Trustees.
2. Any department or division of the Village.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts

the appropriation of money from the Village, but only to the extent that a meeting, record or vote relates to such appropriation.

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record.

PUBLIC VOTE: Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

SECTION 120.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion

to authorize institution of such a legal action. Legal work product shall be considered a closed record.

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012.
17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
 - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
 - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.
 - d. This exception shall sunset on December 31, 2012.
18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic

transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 120.030: ELECTRONIC TRANSMISSIONS—PUBLIC RECORD—WHEN

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exception of Section 610.021, RSMo.

SECTION 120.040: NOTICES OF MEETINGS

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when Village Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The Village shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The Village may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 120.020 shall be permitted without permission of the Village; any person who violates this provision shall be guilty of an ordinance violation.
- D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.

- E. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 120.050: CLOSED MEETINGS—HOW HELD

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 120.060: JOURNALS OF MEETINGS AND RECORDS OF VOTING

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

SECTION 120.070: ACCESSIBILITY OF MEETINGS

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 120.080: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 120.090: CUSTODIAN DESIGNATED—RESPONSE TO REQUEST FOR ACCESS TO RECORDS

- A. The Village Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the Village and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be

available for inspection. This period for document production may exceed three (3) days for reasonable cause.

- D. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

SECTION 120.100: FEES FOR COPYING PUBLIC RECORDS—LIMITATIONS

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.
 2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.
- B. Payment of such copying fees may be requested prior to the making of copies.

CHAPTER 125: MUNICIPAL COURT

ARTICLE I. GENERAL PROVISIONS

SECTION 125.010: CONTRACT FOR PROVISION OF MUNICIPAL ORDINANCE PROSECUTING SERVICES

- A. The Chairman of the Board of Trustees has executed a contract on behalf of the Village with St. Louis County for provision of municipal ordinance prosecution services, as set forth in the contract marked as Exhibit "1" and retained on file in the Village office.
- B. The initial term of the contract shall extend for twelve (12) months.

SECTION 125.020: REPORT TO BOARD OF TRUSTEES

The Municipal Judge shall cause the Court Clerk to prepare, within the first ten (10) days of every month, a report indicating the following:

A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the Village Clerk who shall lay the same before the Board of Trustees of the Village for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

SECTION 125.030: FAILURE TO APPEAR IN MUNICIPAL COURT

- A. A person commits the offense of failure to appear in Municipal Court if:
 - 1. He/she has been issued a summons for a violation of any ordinance of the Village of Sycamore Hills and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 - 2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 - 3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.
- B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

SECTION 125.040: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Sycamore Hills Municipal Division of the 21st Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

1. Costs of Court in the amount of twelve dollars (\$12.00).
2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the Village and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The Village shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the Village. Any excess funds shall be transmitted quarterly to the Village's General Fund.
 - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subparagraph (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subparagraph shall be paid at least monthly as follows:
 - a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
 - b. Five percent (5%) shall be paid to the Village Treasury.
4. There may also be assessed a two dollar (\$2.00) cost per case for each criminal case, including violations of any County or municipal ordinance for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.
5. There shall be assessed a seven dollar (\$7.00) surcharge for the Statewide Court Automation Fund. *(Use only with Associate Circuit Judge and if they have automated court fund in place.)*
6. Other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
7. Actual costs assessed against the Village by the County Sheriff for apprehension or confinement in the County Jail or costs assessed against the Village by any other detention facility.
8. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.

9. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the Village while a defendant is in Village custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Section 125.320(10) hereof.
10. *Reimbursement of certain costs of arrest.*
 - a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the Village of Sycamore Hills involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
 - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
 - c. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

SECTION 125.050: ADMINISTRATIVE SEARCH WARRANTS

A. *Search Warrant Defined—Who May Issue, Execute.*

1. An "*administrative search warrant*" is a written order of the Municipal Judge permitting the entry of Village Officials on or into private property, structure or improvement to enforce the Village's housing, zoning, health and safety regulations when government entry on or into such property is otherwise authorized by Missouri law. A warrant may issue only in conformance with this Section and only for the enforcement of the Village's housing, zoning, health and safety regulations, specifically:
 - a. To inspect private property to determine or prove the existence of physical conditions in violation of a specified regulation,
 - b. To seize property or photograph, copy or record evidence of property or physical conditions found thereon or therein, and
 - c. To abate such physical conditions.
2. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the municipality may issue an administrative warrant when:
 - a. The property to be entered is located within the Village, and

- b. The owner or occupant of the property or place to be entered:
 - (1) Has refused to allow same after official request by the Village, or
 - (2) Is not available, after reasonable investigation and effort, to consent to such search or inspection.
- 3. Any such warrant shall be directed to the Chief of Police or any other Police Officer of the Village and shall be executed by the Chief of Police or said Police Officer, in conjunction with the Code Enforcement Officer or other appropriate Village Official, within the Village limits and not elsewhere.

B. *Who May Apply For Warrant—Contents Of Application.*

- 1. Any Code Enforcement Officer, Police Officer or attorney of the Village may make application to the Municipal Judge for the issuance of an administrative warrant.
- 2. The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State that the owner or occupant of the property or places to be entered, searched, inspected or seized:
 - (1) Has been requested by the Village to allow such action and has refused to allow such action, or
 - (2) Is not available, after reasonable investigation and effort, to consent to such search or inspection;
 - e. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Subsection (C) of this Section, to:
 - (1) Search or inspect for violations of an ordinance or Code Section specified in the application, or
 - (2) Show that entry or seizure is authorized and necessary to enforce an ordinance or Code Section specified in the application and/or abate an ordinance violation and that due process has been afforded prior to the entry or seizure;
 - f. Be verified by the oath or affirmation of the applicant; and
 - g. Be signed by the applicant and filed in the Municipal Court.
- 3. The application may be supplemented by a written affidavit verified by oath or affirmation.

Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered.

4. The application may be submitted by hand delivery, mail or facsimile or other electronic means.

C. *Determination Of Probable Cause—Issuance—Contents Of Warrant—Execution And Return.*

1. *Determination of probable cause—issuance.*

- a. The Municipal Judge shall determine whether probable cause exists to inspect or search for the purposes noted herein.
- b. In doing so the Municipal Judge shall determine whether the action to be taken by the Village is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or Code Section sought to be enforced and such other factors as may be appropriate including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant Village ordinance or Code Section, the passage of time since the property's last inspection, and the authority authorizing government entry onto private property. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a Village ordinance or Code Section.
- c. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search the private property for the enforcement of the Village's housing, zoning, health and safety regulations, a search warrant shall immediately be issued.
- d. The warrant shall issue in the form of an original and two (2) copies, and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Court.
- e. A search warrant shall expire if it is not executed within ten (10) days after the date of the making of the application.

2. *Contents of search warrant.* The search warrant shall:

- a. Be in writing and in the name of the Village;
- b. Be directed to any Police Officer in the Village;
- c. State the time and date the warrant was issued;
- d. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity so that the officer executing the warrant can readily ascertain it;
- e. Identify the regulation sought to be enforced;
- f. Command that the described property or places be entered upon for one (1) or more specified enforcement purposes as provided herein, including inspection or abatement;

- g. Direct that any evidence of any suspected ordinance violations be seized, recorded or photographed, and a description of such property be returned, within ten (10) days after issuance of the warrant to the Clerk of the Municipal Court, to be dealt with according to law;
 - h. Be signed by the Judge, with his/her title of office indicated.
3. *Execution.* A search warrant issued under this Section shall be executed only by a Village Police Officer, provided however, that one (1) or more designated Village Officials may accompany the officer, and the warrant shall be executed in the following manner:
- a. Copies of the warrant shall be given to the officer executing the warrant. Copies may be transmitted by hand delivery, mail or by facsimile or other electronic means.
 - b. The warrant shall be executed by conducting the search, inspection, entry, abatement or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner but in no less than ten (10) days after issuance of the warrant.
 - c. The officer may summon as many persons as he/she deems necessary to assist him/her in executing the warrant, and such persons shall not be held liable as a result of any illegality of the search and seizure.
 - d. The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant or shall leave a copy of the warrant at the property if the owner or occupant is not available.
 - e. In the event that a warrant authorizes abatement of a nuisance or other conditions, the Police Officer is not required to stay on the property during the entire length of time that it takes for the abatement to be completed.
4. *Itemized receipt—disposition of seized property.*
- a. If any property is seized incident to the search or abatement, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search or abatement in a conspicuous place.
 - b. A copy of the itemized receipt of any property taken shall be delivered to an attorney for the Village within two (2) working days of the search.
 - c. The disposition of property seized pursuant to a warrant under this Section shall be in accordance with an applicable Village ordinance or Code Section, but in the absence of same, then with Section 542.301, RSMo.
5. *Return required after execution of search warrant.*
- a. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court.
 - b. The return shall show the date and manner of execution and the name of the possessor and

of the owner, when not the same person, if known, of the property or places searched or seized.

- c. The return shall be accompanied by any photographs, copies or recordings made, and by any property seized, along with a copy of the itemized receipt of such property required by this Section; provided however, that seized property may be disposed of as provided herein, and in such a case a description of the property seized shall accompany the return.
- d. The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.

D. *Warrant Invalid, When.*

- 1. A search warrant shall be deemed invalid:
 - a. If it was not issued by the Municipal Judge;
 - b. If it was issued without a written application having been filed and verified;
 - c. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in Subsection (C) hereof;
 - d. If it was not issued with respect to property or places in the Village;
 - e. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
 - f. If it is not signed by the Judge who issued it; or
 - g. If it was not executed within ten (10) days after the date of the issuance of the warrant.
- 2. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he/she would be justified in using if the warrant were valid. (Ord. No. 10-453 §1, 6-15-10)

CHAPTER 130: TAXATION AND FINANCE

ARTICLE I. FISCAL YEAR

SECTION 130.010: FISCAL YEAR ESTABLISHED

The fiscal year of the Village of Sycamore Hills is hereby created and defined as beginning on April first (1st) of each year and ending on March thirty-first (31st) of the following year. (Ord. No. 125 §1, 6-12-62)

ARTICLE II. BUDGET

SECTION 130.020: BUDGET REQUIRED—CONTENTS—EXPENDITURES NOT TO EXCEED REVENUES

- A. Prior to the commencement of each fiscal year, a budget for the Village shall be prepared and the same will be presented to and approved by the Board of Trustees.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
 - 1. A budget message describing the important features of the budget and major changes from the preceding year;
 - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
 - 3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
 - 4. The amount required for the payment of interest, amortization and redemption charges on the debt of the Village; and
 - 5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided that nothing herein shall be construed as requiring the Village to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

SECTION 130.030: BUDGET OFFICER

- A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided

by law or ordinance, the Budget Officer shall be designated by the Board of Trustees of the Village. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.

- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the Village, to the Board of Trustees. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

SECTION 130.040: BOARD OF TRUSTEES MAY REVISE BUDGET, LIMITS—APPROVAL

The Board of Trustees may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law; provided that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Trustees shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

SECTION 130.050: INCREASE OF EXPENDITURE OVER BUDGETED AMOUNT TO BE MADE ONLY ON FORMAL RESOLUTION

After the Village has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the Village shall not increase the total amount authorized for expenditure from any fund, unless the Board of Trustees adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

ARTICLE III. LEVY OF TAXES

SECTION 130.060: BOARD TO PROVIDE FOR LEVY AND COLLECTION OF TAXES—FIX PENALTIES

The Board of Trustees shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance.

SECTION 130.070: FIXING AD VALOREM PROPERTY TAX RATES, PROCEDURE

The Board of Trustees shall hold at least one (1) public hearing on the proposed rates of taxes at

which citizens shall be heard prior to their approval. The Board of Trustees shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which all or the largest portion of the Village is situated, or such notice shall be posted in at least three (3) public places within the Village; except that in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the Village even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the Village for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the assessed valuation by category of real, personal and other tangible property in the Village for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the Board of Trustees shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the Village of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

SECTION 130.080: ASSESSMENT—METHOD OF

In the absence of a Village Assessor, and until such Village Assessor is duly appointed and qualified, it shall be the duty of the Chairman of the Village to procure from the County Clerk of St. Louis County, Missouri, on or before the first (1st) day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the Village made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the Board of Trustees, and it shall be the duty of the Board of Trustees to establish by ordinance the rate of taxes for the year.

SECTION 130.090: CLERK TO PREPARE TAX BOOKS

When the Board of Trustees shall have fixed the rate of taxation for any given year, it shall be the duty of the Village Clerk to cause to be prepared appropriate and accurate tax books and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the Assessor and Board of Equalization, the amount of taxes, whether general or special, due thereon and shall charge the Village Collector with the full amount of taxes levied and to be collected.

SECTION 130.100: TAXES DELINQUENT—WHEN

- A. On the first (1st) day of January of each year, all unpaid Village taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon.

- B. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent (18%) of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent (2%) per month or fractional part thereof.

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: POLICE DEPARTMENT

SECTION 200.010: SIZE OF POLICE FORCE—POWERS

The Police of the Village may be appointed in such numbers, for such times and in such manner as may be prescribed by ordinance. They shall have power to serve and execute all warrants, subpoenas, writs or other process and to make arrests in the same manner as the Chief of Police. They may exercise such powers in areas leased or owned by the municipality outside of the boundaries of such municipality. The Chief of Police and Policemen shall be conservators of the peace and shall be active and vigilant in the preservation of good order within the Village.

SECTION 200.020: VILLAGE MAY ENTER INTO AGREEMENT

The Board of Trustees of the Village may by ordinance enter into a contract or agreement with any other political subdivision for the provision of Police services by one political subdivision to another on request as provided for in Section 70.815, RSMo. The terms "*Chief of Police*", "*Police*", "*Police Officer*" and "*Police Department*", as used herein, shall refer to Law Enforcement Officers of the contracting entity.

SECTION 200.030: POLICE RESPONDING TO FALSE ALARMS—FEE

- A. As used herein, the term "*false alarm*" means an alarm, whether audible or silent, which requires or results in the Village Police being summoned to respond and which was not caused or produced by physical intrusion of an unauthorized person or animal into the premises secured by the alarm system or by breaking or opening of a door, window or enclosure which is secured by the alarm system. If there is no physical evidence of the cause which produced the activation of the alarm, such activation shall be presumed to be a "false alarm".
- B. A fee shall be assessed against any person, firm or corporation which owns, operates or maintains a private alarm system within the Village of Sycamore Hills if such alarm system produces more than two (2) false alarms within any consecutive thirty (30) day period or which produces more than six (6) false alarms within any consecutive twelve (12) month period.
- C. The fee shall be ten dollars (\$10.00) for the first (1st) such false alarm in excess of the permitted number of false alarms within the specified time period and twenty-five dollars (\$25.00) for each additional false alarm in excess of the permitted number of false alarms within the specified time period; provided however, that no more than one (1) fee shall be charged hereunder with respect to any false alarm.
- D. The fees provided herein shall be collected and retained by the Police Department of the Village of Sycamore Hills. (Ord. No. 345 §§1—4, 5-13-97)

CHAPTER 205: ANIMAL REGULATIONS

SECTION 205.010: DEFINITIONS

The following words, when used in this Chapter, shall have the meanings set out herein:

DOGS OR CATS: All animals of the canine or feline species, both male and female.

HARBOR: To feed or shelter an animal at the same location for three (3) or more consecutive days.

OWNER OR KEEPER: Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his/her care or acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her. In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

RUNNING AT LARGE: Allowing a dog or cat to be off the private premises of the owner or keeper or his/her agent or servant and not on a leash or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

TRESPASSER: A person upon the premises of the owner or keeper of the dog in question without license or privilege to be upon said premises.

UNRESTRAINED DOG: Any dog running at large or a dog on the premises of its owner or keeper but not confined to said premises by a leash, fence, structure or other means that would prevent the dog from leaving such premises.

VICIOUS DOG: Any of the following dogs:

1. Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has killed another dog, cat or other domestic animal without provocation.

SECTION 205.020: RUNNING AT LARGE PROHIBITED—IMPOUNDMENT

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the Village of Sycamore Hills at any time. Any dog or cat found running at large, shall be impounded.

SECTION 205.025: RESPONSIBILITY OF PARENT OR GUARDIAN OF MINOR OWNING

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child.

SECTION 205.030: VICIOUS DOGS PROHIBITED—EXCEPTIONS

It shall be unlawful to own, keep or harbor a vicious dog in the Village of Sycamore Hills except in accordance with the following provisions:

1. *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. *Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. *Confinement indoors.* No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. *Signs.* All owners, keepers or harborers of vicious dogs within the Village shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

SECTION 205.040: DUTY TO IMPOUND

It shall be the duty of the Chief of Police, the Village Police, and any other person of the Village of Sycamore Hills, especially designated by the Board of Trustees and the Chairman for such purpose, to take up any dog or cat running at large, or any vicious dog in violation of Section 205.030 above and to impound the same. In effecting the capture of any dog or cat, the officers aforesaid are authorized and directed to use traps, nets, tranquilizer guns or any other humane method.

SECTION 205.050: NOTICE OF IMPOUNDMENT

Every officer impounding a dog or cat under this Chapter shall, within twenty-four (24) hours after

such impounding, enter upon a registry open to the public and in plain public view at the Village Hall of the Village a description of such dog or cat, including breed, color and approximate size, and the date apprehended, and if the owner or keeper is known, the name and address of such owner or keeper; or the owner or keeper shall be given actual notice of the impoundment of such dog or cat before disposition of such dog or cat.

SECTION 205.060: REIMBURSEMENT OF COSTS

The owner or keeper of any dog or cat impounded under this Chapter shall pay to the Chief of Police, Police Officer, or other official especially designated to receive the same a sum sufficient to reimburse the Village for its costs in impounding such dog or cat and keeping it impounded.

SECTION 205.070: TERM OF IMPOUNDMENT

It shall be the duty of any officer impounding any dog or cat under this Chapter to keep the same impounded for a period of seven (7) days, unless such dog or cat shall be reclaimed by his/her owner or keeper under Section 205.060 of this Chapter. If, after the expiration of seven (7) days from the date of such impoundment, such dog or cat shall not have been reclaimed, the same shall be disposed of or destroyed in a humane manner.

SECTION 205.080: ANIMAL NEGLECT OR ABANDONMENT

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
 - 1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
 - 2. The disposal of any dead or diseased animals within the person's custody or ownership;

3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

SECTION 205.090: ANIMAL ABUSE

A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
2. Purposely or intentionally causes injury or suffering to an animal; or
3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 205.100: KNOWINGLY RELEASING AN ANIMAL

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.
- B. As used in this Section, "animal" means every living creature, domesticated or wild, but not including Homo sapiens.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

SECTION 205.110: ANIMAL WASTE PROHIBITED ON PUBLIC AND PRIVATE PROPERTY—EXCEPTION

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes including, but not limited to, streets, sidewalks, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any blind person.

SECTION 205.120: QUARANTINE ORDER TO BE ISSUED BY CHAIRMAN—TO BE PUBLISHED AND POSTED

Whenever rabies becomes prevalent in the Village, the Chairman shall, according to the necessity

of the case, issue a quarantine order requiring every owner or person in charge of any dog or dogs within the limits of the Village to either kill or impound his/her dog or dogs or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the Village and, in the absence of such paper, shall be posted as in case of sales of personal property. The Chairman is authorized by proclamation to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists.

SECTION 205.130: DANGEROUS WILD ANIMALS PROHIBITED

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, non-human primate, coyote, any deadly, dangerous or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

SECTION 205.140: KEEPING OF LIVESTOCK OR FOWL PROHIBITED

It shall be unlawful for any person, firm or corporation to keep or to allow others to keep horses, cows, chickens, sheep, pigeons, pigs, rabbits or any type of animal except dogs, cats and household birds. (Ord. No. 83 §1, 11-8-55)

CHAPTER 210: OFFENSES

ARTICLE I. GENERAL PROVISIONS

SECTION 210.005: DEFINITIONS

In this Chapter, unless the context requires a different definition, the following shall apply:

AFFIRMATIVE DEFENSE: Has the meaning specified in Section 556.056, RSMo.

BURDEN OF INJECTING THE ISSUE: Has the meaning specified in Section 556.051, RSMo.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints or who makes prints from negatives or slides for compensation. The term "*commercial film and photographic print processor*" shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

CONFINEMENT:

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
 - a. A court orders his/her release;
 - b. He/she is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. He/she is on probation or parole, temporary or otherwise; or
 - b. He/she is under sentence to serve a term of confinement which is not continuous or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

CONSENT: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;
2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

3. It is induced by force, duress or deception.

CRIMINAL NEGLIGENCE: Has the meaning specified in Section 562.016, RSMo.

CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DANGEROUS FELONY: The felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo.

DANGEROUS INSTRUMENT: Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

DEADLY WEAPON: Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged or a switchblade knife, dagger, billy, blackjack or metal knuckles.

FELONY: Has the meaning specified in Section 556.016, RSMo.

FORCIBLE COMPULSION: Means either:

1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of himself/herself or another person.

INCAPACITATED: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not "*incapacitated*" with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act after consenting to the act.

INFRACTION: Has the meaning specified in Section 556.021, RSMo.

INHABITABLE STRUCTURE: Has the meaning specified in Section 569.010, RSMo.

KNOWINGLY: Has the meaning specified in Section 562.016, RSMo.

LAW ENFORCEMENT OFFICER: Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

MISDEMEANOR: Has the meaning specified in Section 556.016, RSMo.

OFFENSE: Any felony, ordinance violation, misdemeanor or infraction.

PHYSICAL INJURY: Physical pain, illness or any impairment of physical condition.

PLACE OF CONFINEMENT: Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

POSSESS OR POSSESSED: Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY: Has the meaning specified in Section 562.016, RSMo.

RECKLESSLY: Has the meaning specified in Section 562.016, RSMo.

RITUAL OR CEREMONY: An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.

SERIOUS EMOTIONAL INJURY: An injury that creates a substantial risk of temporary or permanent medical or psychological damage manifested by impairment of a behavioral, cognitive or physical condition. "*Serious emotional injury*" shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SEXUAL CONDUCT: Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

SEXUAL CONTACT: Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL PERFORMANCE: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.

VOLUNTARY ACT: Has the meaning specified in Section 562.011, RSMo.

ARTICLE II. OFFENSES AGAINST THE PERSON

SECTION 210.010: ASSAULT

A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person;
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;
3. The person purposely places another person in apprehension of immediate physical injury;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

SECTION 210.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor as defined in Section 455.010, RSMo.; and

1. The person attempts to cause or recklessly causes physical injury to such family or household member;
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household

member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER

- A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer if:
1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone or Probation and Parole Officer;
 2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer in apprehension of immediate physical injury;
 3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer.
- B. As used in this Section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.
- C. As used in this Section, the term "Corrections Officer" includes any jailor or Corrections Officer of the State or any political subdivision of the State.
- D. As used in this Section, the term "highway worker", "construction zone" or "work zone" shall have the same meaning as such terms are defined in Section 304.580, RSMo.
- E. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.

SECTION 210.030: HARASSMENT

- A. A person commits the offense of harassment if he or she:
1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates or causes emotional distress to such other person;

2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;
3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates or causes emotional distress to such other person;
5. Knowingly makes repeated unwanted communication to another person; or
6. Without good cause engages in any other act with the purpose to frighten, intimidate or cause emotional distress to another person, cause such person to be frightened, intimidated or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

B. Harassment is an ordinance violation unless:

1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or
2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or municipal ordinance in any State, any State law, any Federal law or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.

C. This Section shall not apply to activities of Federal, State, County or municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County or municipal law.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.033: AFFRAYS

It shall be unlawful for two (2) or more persons, in any public place in the Village, voluntarily or by agreement to engage in any fight or abuse by blows or violence toward the other or others in any angry or quarrelsome manner or do each other willful mischief or to assault or strike another in any public place to the terror or disturbance of others. (Ord. No. 279 §18-3, 11-10-87)

SECTION 210.035: STALKING—DEFINITIONS

A. As used in this Section, the following terms shall mean:

COURSE OF CONDUCT: A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

CREDIBLE THREAT: A threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family or household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family or the person's household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property.

HARASSES: To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
- C. The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section or of any offense committed in violation of any County or municipal ordinance in any State, any State law, any Federal law or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. This Section shall not apply to activities of Federal, State, County or municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County or municipal law.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.040: FALSE IMPRISONMENT

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD

- A. A person commits the offense of endangering the welfare of a child if:
 - 1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
 - 2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of paragraph (c) of Subdivision (1) of Subsection (1) or paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
 5. He/she operates a vehicle in violation of Subdivisions (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.055: LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

COLLISION: The act of a motor vehicle coming into contact with an object or a person.

INJURY: Physical harm to the body of a person.

MOTOR VEHICLE: Any automobile, truck, truck-tractor or any motorbus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED: Not accompanied by an individual fourteen (14) years of age or older.

- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child ten (10) years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

Note—Under certain circumstances this offense can be a felony under state law.

ARTICLE III. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 210.060: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.070: HINDERING PROSECUTION

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he/she:

1. Harbors or conceals such person;
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.080: REFUSAL TO IDENTIFY AS A WITNESS

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

SECTION 210.100: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
1. Threatens or causes harm to any person or property;
 2. Uses force, threats or deception;
 3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
 2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
 3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.105: TAMPERING WITH PHYSICAL EVIDENCE

A person commits the offense of tampering with physical evidence if he/she:

1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

SECTION 210.110: IMPROPER COMMUNICATION

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

SECTION 210.120: FALSE IMPERSONATION

A. A person commits the offense of false impersonation if such person:

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.
2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.
3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, ordinance violation, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

SECTION 210.130: FALSE REPORTS

A. A person commits the offense of making a false report if he/she knowingly:

1. Gives false information to any person for the purpose of implicating another person in a crime or offense;

2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

SECTION 210.140: RESISTING OR INTERFERING WITH ARREST, DETENTION OR STOP

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to:
1. Arrests, stops or detentions with or without warrants;
 2. Arrests, stops or detentions for any crime, infraction or ordinance violation; and
 3. Arrests for warrants issued by a court or a Probation and Parole Officer.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.155: INTERFERENCE WITH LEGAL PROCESS

- A. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY**SECTION 210.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

SECTION 210.170: LITTERING

A person commits the offense of littering if he/she throws or places or causes to be thrown or placed any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this Village or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the Village or on any private real property owned by another without his/her consent.

SECTION 210.180: LITTERING VIA CARCASSES

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- B. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance to the annoyance of the citizens of this Village, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

SECTION 210.190: CORRUPTING OR DIVERTING WATER SUPPLY

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, Town or Village for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the Village or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

SECTION 210.195: PLAYING ON STREETS

- A. No person shall use any street or portion thereof for playing of any kind, except streets that have been temporarily designated for play.
- B. The Street Commissioner, at the direction of the Board of Trustees, shall place appropriate signs or devices upon such streets as may be temporarily used for play. (Ord. No. 279 §18-11, 11-10-87)

SECTION 210.196: BURNING OF LEAVES

The burning of leaves is hereby declared to be unlawful. (Ord. No. 279 §18-18, 11-10-87)

SECTION 210.197: FIREWORKS—PROHIBITED

- A. *Defined.* The term "fireworks" means and includes any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and includes blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman

candles, dago bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other devices containing any explosive substance. The term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (.25) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come into contact with the cap when in place for use and toy pistol paper caps which contain less than twenty-five hundredths (.25) grains of explosive mixture, the sale and use of which shall be permitted at all times.

- B. Nothing contained within Subsection (A) of this Section shall prohibit the sale or use of fireworks for pyrotechnic displays given by any fair association, amusement park, the officials in charge of any public park, any civic or public organization or group of individuals, any of whom shall have respectively first obtained a permit from the Chairman of the Board of Trustees for such displays; nor shall anything in said Section prohibit the sale or use of blank cartridges for theatrical purposes, signal purposes in athletic contests or sports events or for the use of militia, Police or military organizations.
- C. The Chairman of the Board of Trustees is hereby authorized to issue permits for pyrotechnic displays to fair associations, amusement parks, officials in charge of public parks, civic or public organizations or groups of individuals, provided that no such permit shall be issued except upon application therefor and, provided further, that the Chairman is convinced that the public safety will not be endangered by such display.
- D. *Prohibited.* Except as otherwise provided in Subsections (A), (B) and (C) hereof, the sale or possession for sale of fireworks in the corporate limits of the Village is hereby prohibited. (Ord. No. 91 §§2—3, 11-8-55; Ord. No. 279 §18-16, 11-10-87)

ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE

SECTION 210.200: PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

- 1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.

2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

SECTION 210.210: PRIVATE PEACE DISTURBANCE

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime or offense against any person; or
2. Fighting.

SECTION 210.220: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 210.200 and 210.210, the following words shall have the meanings set out herein:

PRIVATE PROPERTY: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER: Any property in which the actor does not have a possessory interest.

PUBLIC PLACE: Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

SECTION 210.223: DISTURBING LAWFUL ASSEMBLIES

It shall be unlawful for any person willfully, maliciously or contemptuously to disquiet or disturb any camp meeting, congregation or other assembly met for religious worship or when meeting at the place of worship or dispersing therefrom or any school or other meeting or assembly of people met together for any lawful purpose whatever by making a noise or by rude or indecent behavior or profane discourse within the place of assembly thereof or willfully to menace, threaten or assault any person present. (Ord. No. 279 §18-6, 11-10-87)

SECTION 210.225: UNLAWFUL ASSEMBLY

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

SECTION 210.230: RIOTING

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.235: REFUSAL TO DISPERSE

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

SECTION 210.237: OBSTRUCTING PUBLIC PLACES

A. *Definition.* The following term shall be defined as follows:

PUBLIC PLACE: Any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;
3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

C. When any person causes or commits any of the conditions in this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

ARTICLE VI. OFFENSES CONCERNING WEAPONS AND FIREARMS**SECTION 210.240: DEFINITIONS**

The following words, when used in this Article, shall have the meanings set out herein:

ANTIQUE, CURIO OR RELIC FIREARM: Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR Section 178.11:

1. Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof.
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK: Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

BLASTING AGENT: Any material or mixture consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

CONCEALABLE FIREARM: Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE: To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

DETONATOR: Any device containing a detonating charge that is used for initiating detonation in an explosive including, but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

EXPLOSIVE WEAPON: Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "*explosive*" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion including, but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords and igniters or blasting agents.

FIREARM: Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER: Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN: Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

INTOXICATED: Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

KNIFE: Any dagger, dirk, stiletto or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

KNUCKLES: Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN: Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

PROJECTILE WEAPON: Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL: A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN: Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE: Any knife which has a blade that folds or closes into the handle or sheath and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

SECTION 210.250: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
 2. Sets a spring gun;
 3. Discharges or shoots a firearm within the Village limits;*
 4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;
 5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense;
 6. Openly carries a firearm or any other weapon readily capable of lethal use within the Village limits;
 7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subparagraphs (1), (3), (4), (6) and (7) of Subsection (A) of this Section shall not apply to or affect any of the following when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (10) of Section 571.030, RSMo., and who carry the identification defined in Subsection (11) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;

6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.;
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner; and
 10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.
- C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
- D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

Note—Under certain circumstances this offense can be a felony under state law.

**State Law Reference—Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.*

SECTION 210.255: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs or sells:
1. An explosive weapon;
 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 3. A machine gun;
 4. A gas gun;
 5. A short-barreled rifle or shotgun;
 6. A firearm silencer;
 7. A switchblade knife;
 8. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
 9. Knuckles.
- B. A person does not commit an offense under this Section if his/her conduct:
1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in paragraph (1) of this Subsection;
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
 4. Was incident to displaying the weapon in a public museum or exhibition; or
 5. Was incident to dealing with the weapon solely as a curio, ornament or keepsake or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in paragraphs (1) or (4) of Subsection (A) of this Section, it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun, machine gun or firearm silencer may be possessed, manufactured, transported, repaired or sold as a curio, ornament or keepsake unless such person is an importer, manufacturer, dealer or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been

designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a).

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.260: DEFACING FIREARM

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

SECTION 210.270: UNLAWFUL TRANSFER OF WEAPONS

A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.275: POSSESSION OF FIREARM UNLAWFUL FOR CERTAIN PERSONS

- A. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:
1. Such person has been convicted of a felony under the laws of this State or of a crime under the laws of any State or of the United States which, if committed within this State, would be a felony; or
 2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.
- B. The provisions of Subsection (A)(1) of this Section shall not apply to the possession of an antique firearm.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.280: CARRYING CONCEALED FIREARMS PROHIBITED—PENALTY FOR VIOLATION

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 5. Any meeting of the Board of Trustees. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 6. Any building owned, leased or controlled by the Village of Sycamore Hills identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges and private dwellings owned, leased or controlled by the Village of Sycamore Hills. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the Village, be subjected to disciplinary measures for violation.
 7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said

establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
9. Any place where the carrying of a firearm is prohibited by Federal law.
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from

carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
 3. Employees of the Village of Sycamore Hills may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

SECTION 210.285: DISCHARGING AIR GUN, ETC.

Any person within the limits of this Village who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball gun or air gun or shall shoot any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

ARTICLE VII. OFFENSES CONCERNING PROPERTY

Cross Reference—As to use restrictions for real estate signs, §405.040(8)(n).

SECTION 210.290: TAMPERING

A. A person commits the offense of tampering if he/she:

1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;
2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
3. Tamper or makes connection with property of a utility; or
4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.300: PROPERTY DAMAGE

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.304: DEPOSITING OF CERTAIN MATERIALS ON STREETS PROHIBITED

The depositing of any leaves, grass, trash, rubbish or other waste materials on the streets of the Village of Sycamore Hills is hereby prohibited. (Ord. No. 158 §1, 12-9-69)

SECTION 210.305: INJURY TO OR REMOVAL OF FLOWERS, PLANTS, SHRUBS, ETC.

No person shall cut, mutilate, dig, pull, tear, remove or injure any plant, tree, flower, shrub, foliage, bulb or root growing within any park area or between the property line and the centerline of any public street, avenue or boulevard in the Village, provided however, that the owner of abutting property, his/her agents and servants may plant, prune, trim or remove plants, trees, shrubs, flowers, roots and bulbs so growing. (Ord. No. 279 §18-33, 11-10-87)

SECTION 210.307: POSTING ADVERTISEMENTS

Any person who shall willfully or maliciously paint, post, place or affix any business, commercial, political, amusement or exhibition advertisement or any kind of advertising matter or cause same to be done on or to any curbstone, flagstone or any other portion of any street or sidewalk or upon any tree, lamppost, telephone pole, hydrant, bridge or any public structure within the Village and any person who shall willfully or maliciously paint, post, place or affix any business, commercial, political, amusement or exhibition advertisement or any kind of advertising matter or cause same to be done on or to any wall, window, door, fence, gate, advertising structure, building or other object which is the property of another without first having secured the written consent of the owner thereof or his or her duly authorized agent shall be guilty of an ordinance violation. (Ord. No. 279 §18-43, 11-10-87)

SECTION 210.310: CLAIM OF RIGHT

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.

SECTION 210.320: TRESPASS IN THE FIRST DEGREE

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
 - 1. Actual communication to the actor; or
 - 2. Posting in a manner reasonably likely to come to the attention of intruders.

SECTION 210.330: TRESPASS IN THE SECOND DEGREE

- A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.

B. Trespass in the second degree is an infraction.

SECTION 210.335: TRESPASS OF A SCHOOL BUS

A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus.

SECTION 210.340: RECKLESS BURNING OR EXPLODING

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

SECTION 210.350: NEGLIGENT BURNING OR EXPLODING

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

SECTION 210.360: STEALING

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
 3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
 4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or
 5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.365: THEFT OF MOTOR FUEL

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.360 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

SECTION 210.370: RECEIVING STOLEN PROPERTY

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
 - 1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
 - 2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
 - 3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
 - 4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

- A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is an ordinance violation if the value of the property is less than fifty dollars (\$50.00).
- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION: A misrepresentation or concealment of material fact relating to the terms of a contract

or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.
2. Failure to correct a false impression which the offender previously has created or confirmed.
3. Preventing another person from acquiring information pertinent to the disposition of the property involved.
4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.
5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON: A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

ELDERLY PERSON: A person sixty (60) years of age or older.

INTIMIDATION: A threat of physical or emotional harm to an elderly or disabled person or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.380: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE

A person commits the offense of fraudulent use of a credit device or debit device if the person uses a credit device or debit device for the purpose of obtaining services or property knowing that:

1. The device is stolen, fictitious or forged;
2. The device has been revoked or canceled;
3. For any other reason his/her use of the device is unauthorized; or
4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels said charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels said charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.390: DECEPTIVE BUSINESS PRACTICE

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession he/she recklessly:

1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;
2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

SECTION 210.400: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER

A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;

2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Note—Under certain circumstances this offense can be a felony under state law.

**SECTION 210.410: FAILURE TO RETURN RENTED PERSONAL PROPERTY—
ENFORCEMENT PROCEDURE—PENALTY—VENUE**

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- C. This Section shall not apply if such personal property is a vehicle and such return is made more

difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.

- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.300 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.420: PASSING BAD CHECKS

- A. A person commits the offense of passing a bad check when:
 - 1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
 - 2. The person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.
- B. As used in Subparagraph (2) of Subsection (A) of this Section, "actual notice in writing" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Note—Under certain circumstances this offense can be a felony under state law.

**SECTION 210.425: SHOPLIFTING—DETENTION OF SUSPECT BY MERCHANT—
LIABILITY PRESUMPTION**

A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT: Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE: All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT: Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING: Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

**SECTION 210.426: COPPER WIRE OR CABLE, COLLECTORS AND DEALERS TO KEEP
REGISTER, INFORMATION REQUIRED—PENALTY—EXEMPT
TRANSACTIONS**

A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:

1. Copper, brass or bronze;
2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener; or
3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.;

whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained which shall contain a current address of the person from whom the material is obtained and the date, time and place of and a full description of each such purchase or trade including the quantity by weight thereof.

- B. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- C. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- D. This Section shall not apply to any of the following transactions:
 - 1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00);
 - 2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
 - 3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

SECTION 210.427: METAL BEER KEG, PROHIBITION ON PURCHASE OR POSSESSION BY SCRAP METAL DEALER—VIOLATION, PENALTY

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

SECTION 210.428: METAL BELONGING TO CEMETERIES, POLITICAL SUBDIVISIONS, ELECTRIC COOPERATIVES AND UTILITIES—SCRAP YARD NOT TO PURCHASE—VIOLATION, PENALTY

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility or a utility regulated under Chapter 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the

cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility or manufacturer to sell the metal.

- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

SECTION 210.429: SCRAP METAL DEALERS—PAYMENTS IN EXCESS OF \$500.00 TO BE MADE BY CHECK—EXCEPTIONS

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.
- B. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

ARTICLE VIII. OFFENSES CONCERNING PROSTITUTION AND MORALS

SECTION 210.430: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;
2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

PROSTITUTION: A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

SEXUAL CONDUCT: Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE: Money or property or any token, object or article exchangeable for money or property.

SECTION 210.440: PROSTITUTION

A person commits the offense of prostitution if the person performs an act of prostitution.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.450: PATRONIZING PROSTITUTION

- A. A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
- B. It shall not be an affirmative defense that the defendant believed that the person he/she patronized for prostitution was eighteen (18) years of age or older.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.460: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE, WHEN

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

SECTION 210.465: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The Village Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.

- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

ARTICLE IX. SEXUAL OFFENSES

SECTION 210.470: ARTICLE DEFINITIONS

As used in this Article, the following terms shall have the meanings set forth herein:

DEVIATE SEXUAL INTERCOURSE: Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL CONDUCT: Sexual intercourse, deviate sexual intercourse or sexual contact.

SEXUAL CONTACT: Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL INTERCOURSE: Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person.

SECTION 210.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct in the first degree if such person purposely subjects another person to sexual contact without that person's consent.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.483: CERTAIN OFFENDERS NOT TO PHYSICALLY BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY—VIOLATION—PENALTY

A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Any offense in any other State or foreign country or under Federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building or on the grounds.

B. For purposes of this Section, "*child care facility*" shall have the same meaning as such term is defined in Section 210.201, RSMo.

C. Any person who violates the provisions of this Section is guilty of an ordinance violation.

SECTION 210.485: CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION— PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE

A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Any offense in any other State or foreign country or under tribal, Federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.
- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation.

SECTION 210.487: HALLOWEEN, RESTRICTIONS ON CONDUCT—VIOLATIONS

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October thirty-first (31st) of each year to:
 - 1. Avoid all Halloween-related contact with children;
 - 2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
 - 3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
 - 4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.
- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

ARTICLE X. OFFENSES CONCERNING PORNOGRAPHY

SECTION 210.490: DEFINITIONS

When used in this Article, the following terms shall have the meanings set out herein:

FURNISH: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

MINOR: Any person under the age of eighteen (18).

NUDITY: The showing of post-pubertal human genitals or pubic area with less than a fully opaque covering.

OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors, and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation;

deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SECTION 210.500: PROMOTING PORNOGRAPHY FOR MINORS OR OBSCENITY

A person commits the offense of promoting pornography for minors or obscenity if he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.510: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

A. A person commits the offense of furnishing pornographic material to minors if he/she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

B. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.

- C. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

ARTICLE XI. OFFENSES CONCERNING DRUGS AND ALCOHOL

SECTION 210.515: INTOXICATION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

- A. Any person consuming liquor, intoxicating beer, wine or wine products or malt liquor in or upon any public place within the limits of the Village or possessing an opened container of liquor, intoxicating beer, wine or wine products or malt liquor in or upon any public place within the limits of the Village shall be guilty of an ordinance violation.
- B. As used in this Section, the following words shall have the following meanings:

PUBLIC PLACE: Any street, sidewalk, thoroughfare, right-of-way, park, recreational area or other property owned or maintained by the Village of Sycamore Hills.

LIQUOR, INTOXICATING BEER, WINE OR WINE PRODUCTS OR MALT LIQUOR: Shall have the same meaning as are assigned to those words by Chapter 311, RSMo. (Ord. No. 354 §§1-4, 6-9-88)

SECTION 210.520: POSSESSION OF MARIJUANA

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Section 195.010, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.525: OBTAINING DRUGS WITH FALSE PRESCRIPTIONS

It shall be unlawful for any person to obtain or attempt to obtain medicine or drugs of any kind by means of a forged or fraudulent prescription or writing. (Ord. No. 279 §§18-10, 11-10-87)

SECTION 210.530: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.535: LIMITATIONS ON THE RETAIL SALE OF METHAMPHETAMINE PRECURSOR DRUGS

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. Any person holding a retail sales license pursuant to Chapter 144, RSMo., who knowingly violates Subsection (A) of this Section is guilty of an ordinance violation.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

SECTION 210.540: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 210.550: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED—EXCEPTIONS

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their isomorphs or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

SECTION 210.560: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS OR OTHER SUBSTANCES, PROHIBITED

- A. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
1. Solvents, particularly toluol;
 2. Ethyl alcohol;
 3. Amyl nitrite and its iso-analogues;
 4. Butyl nitrite and its iso-analogues;
 5. Cyclohexyl nitrite and its iso-analogues;
 6. Ethyl nitrite and its iso-analogues;
 7. Pentyl nitrite and its iso-analogues; and
 8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues, for the purpose of using it in the manner prohibited by Section 210.550 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

SECTION 210.570: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED--VIOLATIONS OF SECTIONS 210.550 TO 210.560--PENALTY

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues, for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.550 and 210.560 hereof.

- B. Any person who violates any provision of Sections 210.550—210.570 is guilty of an ordinance violation for the first (1st) violation.

Note—Under certain circumstances this offense can be a felony under state law.

ARTICLE XII. OFFENSES CONCERNING MINORS

Cross Reference—As to alcohol-related offenses involving minors, §600.060.

SECTION 210.580: ARTICLE DEFINITIONS

For the purposes of this Article, the following words and phrases are defined as follows:

CRIMINAL ACT: An act which violates the Statutes of the United States, the Statutes of the State of Missouri or the ordinances of the Village of Sycamore Hills, including curfew and moving traffic violations.

GUARDIAN: Guardian appointed by court of competent jurisdiction.

MINOR: Any person under the age of seventeen (17).

PARENT: The natural or adoptive father or mother, legal guardian or any other person having the care or custody of a minor child.

PARENTAL NEGLECT: Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense.

SECTION 210.590: CURFEW FOR PERSONS UNDER SEVENTEEN

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the Village of Sycamore Hills between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Law Enforcement Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such

person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.

- D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

SECTION 210.595: PARENTAL RESPONSIBILITY

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the Village, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1st) violation, not less than two hundred dollars (\$200.00) for a second (2nd) violation and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

SECTION 210.600: PARENTAL NEGLECT—PROHIBITED

- A. No parent shall knowingly permit, encourage, aid or cause a minor to commit a criminal act or engage in any conduct which would be injurious to the minor's morals or health.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act.
- C. *Notification Of Responsibility.*
1. Whenever a minor shall be arrested or detained for the commission of any criminal act within the Village, the Police service shall immediately notify the minor's parent of the arrest or detention and shall advise the parent of his/her responsibility under this Section.
 2. The notice shall be in such a form as to be signed by the notified parent signifying receipt

thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.

3. A record of said notification shall be kept by the Police Department.
- D. Written notification of responsibility as provided by this Section shall be prima facie evidence that a parent has failed to exercise customary and effective control over a minor as required hereby if the minor commits a second (2nd) or successive criminal act of any kind.
- E. Each violation of any of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to punishment as provided by ordinance. In addition, upon a plea or finding of guilt for violating any of the requirements of this Section, the Court may, either as a condition of any probation granted to any parent found guilty of violating this Section or otherwise, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00). (Ord. No. 437 §1, 2-19-09)

ARTICLE XIII. OFFENSES CONCERNING TOBACCO

SECTION 210.610: DEFINITIONS

For purposes of this Article, the following definitions shall apply:

DISTRIBUTE: A conveyance to the public by sale, barter, gift or sample.

MINOR: A person under the age of eighteen (18).

PROOF OF AGE: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS: Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE: A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING: The distribution to members of the general public of tobacco product samples.

TOBACCO PRODUCTS: Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

SECTION 210.620: UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS—VENDING MACHINE REQUIREMENTS

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalty contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product or selling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.650 of this Article shall be penalized as follows:
1. For the first (1st) offense, twenty-five dollars (\$25.00);
 2. For the second (2nd) offense, one hundred dollars (\$100.00); and
 3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.

- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.650, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves an affirmative defense that:
1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

SECTION 210.630: MINORS PROHIBITED FROM PURCHASE OR POSSESSION OF TOBACCO—MISREPRESENTATION OF AGE

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
 2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

SECTION 210.640: RETAIL SALES TAX LICENSE REQUIRED FOR SALE OF TOBACCO PRODUCTS

No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license.

SECTION 210.650: REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO TO MINORS UNDER AGE EIGHTEEN—DISPLAY OF SIGN REQUIRED WHERE

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half (½) inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and
2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18".

SECTION 210.660: RESTRICTIONS ON SALES OF INDIVIDUAL PACKS OF CIGARETTES

No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

SECTION 210.670: PROOF OF AGE REQUIRED, WHEN DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF—LIABILITY

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco-product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the

Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.620 on any single day.

ARTICLE XIV. MISCELLANEOUS OFFENSES

SECTION 210.680: NUDE DANCING IN BUSINESS ESTABLISHMENTS PROHIBITED

- A. It shall be unlawful for the owner, operator, proprietor or managing agent of any business establishment which serves any intoxicating liquor within the Village of Sycamore Hills to permit or allow any dance, performance or exhibition to occur on the premises, wherein the dancers, performers or exhibitors are nude or partially nude. For purposes of this Section, a dancer, performer or exhibitor shall be deemed to be nude or partially nude if their genitals, buttocks or breasts are exposed or are covered, clad or adorned in such a way that, according to average community sensibilities and standards, they would be deemed to be nude or unclothed about such part or parts.
- B. It shall further be unlawful for any person to participate in any dance, performance or exhibition of the character described in Subsection (A) hereof. (Ord. No. 279 §18-21.1, 11-10-87)

SECTION 210.690: BARBED WIRE FENCES PROHIBITED

It is hereby declared unlawful for any person to erect or maintain a barbed wire fence in the Village. (Ord. No. 279 §18-36, 11-10-87)

SECTION 210.700: POOL HALLS

- A. *Presence Of Children.* It shall be unlawful for any person operating a public pool or billiard room within the Village to permit minors under the age of sixteen (16) years to congregate, be or remain within such pool or billiard room at any time, unless accompanied by the parent or guardian or having written consent thereof.

- B. *Hours.* It shall be unlawful to operate or keep open any public pool or billiard room in the Village between the hours of 1:30 A.M. and 6:00 A.M. on any day of the week. (Ord. No. 279 §§18-44--18-46, 11-10-37)

SECTION 210.710: HOUSE CAR TRAILER

- A. *House Car Trailer Parking Prohibited.* It shall be unlawful for any person to park on any plot of ground within the limits of the Village a house car trailer, being a structure for or used for living or sleeping purposes mounted upon wheels and capable of being transported from place to place, either by its own power or by some vehicle attached to it or any tent or temporary structure in connection therewith.
- B. *Permanent Installation Of House Car Trailer.* It shall be unlawful for any person to remove the wheels or other transporting device from any house car trailer or otherwise to affix such house car trailer permanently to the ground, so as to prevent ready removal of such house car trailer on any plot of ground within the limits of the Village. (Ord. No. 279 §§18-47--18-48, 11-10-37)

SECTION 210.720: FORTUNTELLERS, ETC.

No person shall pursue or practice within the Village the vocation, profession or art of fortuneteller, clairvoyant, spirit medium, necromancer, seer, astrologist, palmist, prophet or other like craft or occult art or art of divination or pretended art or telling past events of another's life or others' lives or affairs or foretelling knowledge of future events of another's life or others' lives or affairs or in any way revealing things of the past or of the future of a secret or hidden nature or giving advice or assistance in matters of business or affairs of any kind or nature by means of such art or person so to tell, foretell, reveal or give advice or assistance by means of such art; and no person shall so pursue or practice within the Village such vocations or professions or any of them, whether for a price or gratuity or whether by offer or upon request. The maintenance, display, posting or advertising or the causing to be maintained, displayed, posted or advertised of any sign, card, bill or announcement of any kind whatever indicating the pursuit or practice of any such vocation, profession or art or indicating an offer to render service in such pursuit or practice shall, upon proof thereof, be sufficient evidence against such person so maintaining, displaying, posting or advertising or causing the same to be done of a violation of this Section. (Ord. No. 279 §§18-53, 11-10-37)

CHAPTER 215: NUISANCES

Cross References—As to dangerous buildings as a nuisance, ch. 505; as to prostitution houses deemed a nuisance, §210.465.

ARTICLE I. GENERALLY

SECTION 215.010: NUISANCES AFFECTING HEALTH

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water. Stagnant water shall be any accumulation found in an improperly drained pool, pond or collector that has not dispersed within five (5) days.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse, human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
6. Any substance, vegetable or mineral which emits an offensive, noxious, putrid or unhealthy odor in the neighborhood.
7. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
8. Any litter allowed to remain longer than one (1) week in any occupied private property or any open or vacant private property within the Village. As used herein, the term "litter" includes garbage, trash, refuse, junk, tree limbs or other putrescible or non-putrescible solid waste.
9. The pollution of any cellar, vault, private drain, pool, well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes or other substances harmful to human beings and public health.
10. Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities or the presence of any gas, vapor, fume, smoke, dust or any toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other persons.
11. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.

12. Any vegetation on private property at any location, when such vegetation by direct contact or by proximity thereto can cause irritation or lesion to skin of any person.
 13. All fences must be kept free from weeds. Wild vegetation, including, but not limited to, honeysuckle or wild grape, is not allowed to spread on neighbor's side of fence.
 14. Weeds in cracks of sidewalks and driveways are prohibited.
 15. Any area which is not covered by lawn or vegetation and not treated to prevent dust or the blowing and scattering of dust particles into the air. Any altered surface of the ground which would be liable to deposit mud or harmful silt or create erosion or damage on public property.
 16. Any vehicle used for septic tank cleaning which does not meet the requirements of this Section.
 17. Any vehicle used for garbage or rubbish disposal which is not equipped with a water-tight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
 18. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae. Keeping pet food containers outside contributing to the infestations of nuisance vermin shall be prohibited.
 19. The keeping of animals and fowls in any area within the Village not zoned for agricultural uses except pet cats and dogs, animals in public or business areas and farm animals in laboratories.
 20. Unlicensed dumps and houses dumps not operated or maintained in compliance with the ordinances of the Village of Sycamore Hills and the Statutes of the State of Missouri.
 21. No person shall discharge or cause to be discharged into a storm water system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtalene, oil or petroleum product, mud, sludge, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operations of the system or which will pollute the natural creeks or waterways.
 22. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the Village of Sycamore Hills.
- B. *Unlawful To Cause, Maintain Within Village Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the Village of Sycamore Hills or within one-half (1/2) mile of the corporate limits of the Village of Sycamore Hills, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained is a separate offense.

C. Abatement Generally.

1. *Abatement of nuisance—Abatement Officer.* Whenever the Abatement Officer for the Village shall ascertain or have knowledge that a nuisance exists on any premises in the Village, he/she shall by written notice notify the persons occupying or having possession of said premises to abate or remove such nuisance within the time to be specified in such notice, not less than fifteen (15) days. Failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without necessary delay shall be deemed an ordinance violation.
2. *Notice.* The Abatement Officer shall determine all individuals, firms or corporations who, from the records in the Recorder of Deeds office, appear to be the titled owners of the aforesaid property and immediately cause a written notice to be served on such individual, firm or corporation by one (1) of the following methods:
 - a. The delivery of a true copy of the notice to the person(s) intended to be notified or the leaving of a copy at his/her usual place of abode with some family member of his/her family over the age of fifteen (15) years.
 - b. Mailing a copy to such person at such place or address by United States Postal Service certified mail return receipt.
 - c. If service of such written notice is unable to be perfected by any of the methods described above, the Abatement Officer shall direct the Village Clerk to cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the County where the Village is located once a week for two (2) consecutive weeks and shall further cause a copy of aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the Abatement Officer shall cause a copy of the notice to be posted at such structure, location or premises. The Abatement Officer may also determine from the Recorder of Deeds office who the lien holder of the property, if any, as documented therein, is and cause a written notice to be served on such lien holder by the United States Postal Service mail return receipt.
 - d. The aforesaid notice to the owners and lien holder, if any, of the property shall state clearly and concisely:
 - (1) The street address or legal description of the property.
 - (2) A description of the condition or conditions alleged to constitute a public nuisance.
3. *Summary abatement.* Whenever it becomes necessary to abate a nuisance immediately in order to secure the general health, welfare or safety of the Village or any of its inhabitants, the Village is authorized to abate such nuisance without notice and may use any suitable means or assistance for that purpose, whether by employees of the Village or laborers especially employed for that purpose or any other help or assistance necessary therefore.
4. *Municipal Court may order abatement—cost of abatement by the Village—how paid.* If upon a trial for the failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without necessary delay, the judge of the

Municipal Court shall find that a violation exists and that the defendant has had the proper notice as provided in this Section and that the defendant has failed to abate the nuisance, the judge of the Municipal Court shall, in addition to the penalty for violating the Section, make an order directing the Abatement Officer to abate such nuisance forthwith and immediately report the expenses thereof to the Village Clerk or officer in charge of finance who shall cause certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the Village Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

5. *Right of entry.* Any person or contractor employed by or under contract with the Village for the abatement of a nuisance and any agent or employee of such contractor shall have the right of entry for that purpose late and upon any premises and it shall be unlawful to interfere with any Police Officer, Abatement Officer or any officer, agent or employee of the Village or with any representative of the Village engaged in the abatement of any nuisance pursuant to an order of the Municipal Judge or any summary abatement as described above.
6. *Demand and hearing.* In case the Municipal Judge shall determine that abatement of any alleged nuisance is not immediately necessary for the protection of the health of inhabitants of the Village, he/she may instead of entering a finding remand the matter to the Board of Trustees and the Village shall hold a hearing before declaring the same to be a nuisance and ordering its abatement. At least fifteen (15) days' notice of such hearing shall be given to the owner or occupancy of the premises upon which such alleged nuisance exists or to his/her agent or to the person causing or maintaining such alleged nuisance, which notice shall state the time and place of such hearing. All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the matters at issue. If, upon such hearing, the Board of Trustees finds that a nuisance exists, it shall order the owner, occupant or agent of such property, or the person causing or maintaining such nuisance, to abate the same and if the same be not abated within the time prescribed by the Village Board of Trustees in such order, the matter may again be presented for prosecution before the Municipal Court for determination.
7. *Court suit authorized.* Nothing in this Section shall be construed as abandoning or limiting the Village's right to bring suit for all expenses attending the abatement of a nuisance, when performed by the Village, in any court of competent jurisdiction in the name of the Village against the person maintaining, keeping, creating or refusing to abate the nuisance so abated. (Ord. No. 436 §1, 2-19-09)

ARTICLE II. WEEDS, HIGH GRASS OR OTHER VEGETATION

SECTION 215.020: DEBRIS ON PROPERTY—EFFECT OF FAILURE TO REMOVE NUISANCE—PENALTIES

- A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked

twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.

- B. When a public nuisance as described above exists, the Health Commissioner shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:
1. Declare that a public nuisance exists;
 2. Describe the condition which constitute such nuisance;
 3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;
 4. Inform the owner that he or she may file a written request for a hearing before the Health Commissioner on the question of whether a nuisance exists upon such property; and
 5. State that if the owner fails to begin removing the nuisance within time allowed or upon failure to pursue the removal of such nuisance without unnecessary delay, the Health Commissioner shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.
- C. If the owner of such property fails to begin removing the nuisance within the time allowed or upon failure to pursue the removal of such nuisance without unnecessary delay, the Health Commissioner shall cause the condition which constitutes the nuisance to be removed. If the Health Commissioner causes such condition to be removed or abated, the cost of such removal shall be certified to the Village Clerk and/or Finance Officer who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the Village Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.
- D. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the Chief of Police or other designated Village official may order that the weeds or trash be abated within five (5) business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five (5) days, the Chief of Police or other designated Village official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in Subsection (C) of this Section. (Ord. No. 436 §3, 2-19-09)

SECTION 215.030: VEGETATION—OBSTRUCTION OF VIEW

- A. Trees, shrubbery, bushes or vegetation shall not prevent obstruction of the view of movements of vehicles and pedestrians.

1. A vertical clearance of at least eight (8) feet above any paved sidewalk, walkway or public right-of-way used by the public as indicated by a worn path or a walkway on a public easement.
 2. A vertical clearance of at least fourteen (14) feet beyond the edge of the street and fourteen (14) feet above the center of any traffic lane.
 3. To provide a clean line of sight for at least seventy-five (75) feet on the approach side for all street traffic signals or traffic control postings.
- B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. *Liability.* Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the Village, the owner of the ground or, in case of joint tenancy by entireties or tenancy in common, each owner thereof shall be liable.
- D. *Notice.* The Health Commissioner or his/her designee shall give a hearing after four (4) days' notice thereof either personally or by United States Postal Service mailed to the owner or owners or the owner's agents or by posting such notice on the premises; thereupon, the Health Commissioner may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.
- E. *Disposition.* In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the Health Commissioner or his/her designee shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the Village Clerk.
- F. *Tax Bill.* The Village Clerk and finance officer shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified costs shall be collected by the Village Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.
- G. If weeds are allowed to grow or if trash is allowed to accumulate on the same property in violation of this Section more than once during the same growing season in case of weeds or more than once during a calendar year in the case of trash, the Chief of Police or Health Commissioner may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in this Section. This Subsection does not apply to lands owned by a public utility and lands, rights-of-way and easements appurtenant or incidental to lands controlled by any railroad. (Ord. No. 436 §2, 2-19-09)

CHAPTER 217: ABANDONED PROPERTY

Cross References—As to maximum charges for towing and storage, §385.050; as to sale of abandoned property by village, §385.060; as to crime inquiry and inspection reports required by state law, §385.040.

SECTION 217.010: DEFINITIONS

As used in this Chapter, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY: Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

PERSON: Any natural person, corporation or other legal entity.

RIGHT-OF-WAY: The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY: That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY: Any person or entity which tows, removes or stores abandoned property.

State Law Reference—For similar provisions, §304.001, RSMo.

SECTION 217.020: ABANDONING MOTOR VEHICLE—LAST OWNER OF RECORD DEEMED THE OWNER OF ABANDONED MOTOR VEHICLE, PROCEDURES—PENALTY—CIVIL LIABILITY

- A. A person commits the offense of abandoning a motor vehicle, vessel or trailer if he/she abandons any motor vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. For purposes of this Section, the last owner of record of a motor vehicle, vessel or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle, vessel or trailer shall not be subject to the penalties provided by this Section if the motor vehicle, vessel or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting

forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle, vessel or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle, vessel or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle, vessel or trailer is alleged to have been stolen, the owner of the motor vehicle, vessel or trailer shall submit proof that a Police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.

- C. Abandoning a motor vehicle, vessel or trailer is an ordinance violation.
- D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage and administrative costs associated with the abandonment of the motor vehicle, vessel or trailer. Any reasonable towing, storage and administrative costs in excess of the value of the abandoned motor vehicle, vessel or trailer that exist at the time the motor vehicle or vessel is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection (1) of Section 304.156, RSMo.

SECTION 217.030: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED

The open storage of inoperable or unlicensed vehicles or other vehicles deemed by the Village to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

State Law Reference—For similar provisions, §304.159, RSMo.

SECTION 217.040: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY

- A. *Generally.* The Village, including the Village Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The Village shall perform such tow pursuant to the terms of Section 217.050. When a Village agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By Village Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any Village Police Officer

may authorize a towing company to remove such abandoned property from the property in the following circumstances:

1. The abandoned property is left unattended for more than forty-eight (48) hours; or
2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*

1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
 - a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
 - b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the Village Police Department, and ten (10) hours have elapsed since that notification.
 - c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the Village Police Department, and ninety-six (96) hours have elapsed since that notification.
2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a Village Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
 - a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;

- b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
 - c. The license plate or registration number and the State of issuance, if available;
 - d. The physical location of the property and the reason for requesting the property to be towed;
 - e. The date the report is completed;
 - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
 - g. The towing company's name and address;
 - h. The signature of the towing operator;
 - i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
 - j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
 - k. Any additional information the Missouri Director of Revenue deems appropriate.
3. Any towing company which tows abandoned property without authorization from the Village Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the Village Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the Village Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
4. The Village Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
5. The Village Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned

property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.

6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
 7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
 - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
 - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.
- F. *Written Authorization Required—Delegation Of Authority To Tow.*
1. Except for the removal of abandoned property authorized by the Village Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
 2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount

of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

State Law References—For similar provisions, §§304.157.1—2, 304.157.4—9, 304.158.2—4, 304.158.8—9, RSMo.

SECTION 217.050: GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* As to crime inquiry and inspection reports required by State law, see Chapter 385 of this Code, Section 385.040.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the Village Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The Village Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
 - 1. The name, address and telephone number of the storage facility;
 - 2. The date, reason and place from which the abandoned property was removed;
 - 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 - 4. A statement that the storage firm claims a possessory lien for all such charges;
 - 5. A statement that the owner or holder of a valid security interest of record may retake possession

of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:

1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, Village and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

State Law References—For similar provisions, §§304.155.5—6, 304.155.11—12, 304.158.1, 304.158.5, 304.158.7, RSMo.

CHAPTER 220: HUMAN RIGHTS

ARTICLE I. IN GENERAL

SECTION 220.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the Village freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the Village the policies embodied in Missouri and Federal human rights legislation and to promote cooperation between the Village and the State and Federal agencies enforcing that legislation.
3. To provide a Village Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

SECTION 220.020: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

COMMISSION: The Village of Sycamore Hills Commission on Human Rights.

COMPLAINANT: A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY: A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*disability*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

DISCRIMINATION: Any unfair treatment based on race, color, religion, national origin, ancestry, sex, age as it relates to employment, disability or familial status as it relates to housing.

DWELLING: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS: One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HOUSING FOR OLDER PERSONS: Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON: Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION: All places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;
5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds; or
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT: Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT: A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE: Any act that is unlawful under this Chapter.

ARTICLE II. COMMISSION ON HUMAN RIGHTS

SECTION 220.030: COMMISSION CREATED—MEMBERSHIP—QUALIFICATIONS—TERMS—VACANCIES

There is hereby established a Commission on Human Rights. The Commission shall consist of five (5) members who shall be appointed by a majority of the members of the Board of Trustees from among the residents of the Village and who shall serve as such without compensation. The Board of Trustees shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the five (5) members first (1st) appointed, two (2) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

**SECTION 220.040: OFFICERS—MEETING AND QUORUM—RULES AND PROCEDURES—
COMPENSATION—ATTENDANCE—TRAINING**

- A. The Commission shall elect a Chairperson, Vice Chairperson and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Three (3) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the Board of Trustees through the Village Clerk of such vacancy.

SECTION 220.050: FUNCTIONS, POWERS AND DUTIES

The Commission shall have the following functions, powers and duties:

- 1. To encourage fair treatment for and to foster mutual understanding and respect among and to discourage discrimination against any racial, ethnic, religious or other group protected by this Chapter, members of these groups or persons with disabilities.
- 2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
- 3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
- 4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
- 5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
- 6. To cooperate with other organizations, private and public, to discourage discrimination.
- 7. To advise the Board of Trustees on human rights issues.
- 8. To hold public hearings on the state of human rights and relations in the Village and on specific human rights issues.
- 9. To sponsor or initiate specifically targeted workshops and ongoing programs to improve human relations and to decrease tensions in the Village.

10. To present informational programs on human rights to school, business, service and other organizations.
11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the Board of Trustees a full written report of all its activities and of its recommendations.

ARTICLE III. DISCRIMINATORY PRACTICES

SECTION 220.060: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status or an intention to make any such preference, limitation or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that buyer or renter.

7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

- a. That person;
- b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
- c. Any person associated with that person.

B. For purposes of Sections 220.060, 220.070 and 220.080, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.
 - c. All premises within such dwellings contain the following features of adaptive design:
 - (1) An accessible route into and through the dwelling;
 - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

SECTION 220.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 220.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

SECTION 220.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED—EXCEPTIONS

- A. All persons within the Village of Sycamore Hills are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation, as defined in Section 220.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned

by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 220.020 and this Section.

SECTION 220.100: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter or to attempt to do so;
2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the Village to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

SECTION 220.110: EXEMPTIONS

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the Village that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 220.060, 220.070 and 220.080:
 1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or

from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.060, shall apply to:
1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
 2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

ARTICLE IV. ENFORCEMENT PROCEDURES

SECTION 220.120: COMPLAINTS

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Village of Sycamore Hills Commission on Human Rights.

SECTION 220.130: COMPLAINTS—INVESTIGATION, CONCILIATION AND MEDIATION

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission which shall thereupon dismiss the complaint without further proceedings or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.
- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Village of Sycamore Hills Commission on Human Rights.

SECTION 220.140: PROSECUTIONS—TIME LIMITATIONS

- A. No prosecution for a violation of any provision of this Chapter shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

CHAPTER 225: EMERGENCY MANAGEMENT

SECTION 225.010: ESTABLISHMENT

There is hereby created within and for the Village of Sycamore Hills an emergency management organization to be known as the Sycamore Hills Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

SECTION 225.020: ORGANIZATION

This agency shall consist of a Director and other members appointed by the Sycamore Hills Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

SECTION 225.030: FUNCTIONS

The organization shall perform emergency management functions within the Village of Sycamore Hills and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

SECTION 225.040: DIRECTOR

- A. The Director will be appointed by the Chairman with the advice and consent of the Board of Trustees and shall serve at the pleasure of the Chairman and Board of Trustees.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Chairman or Board of Trustees.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Sycamore Hills Emergency Management Organization.

SECTION 225.050: SCOPE OF OPERATION

The Village of Sycamore Hills in accordance with Chapter 44, RSMo., may:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the

safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.

2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

SECTION 225.060: MUTUAL-AID AGREEMENTS

The Chairman or Public Safety Agency may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid as authorized in Section 44.090, RSMo.

SECTION 225.070: VILLAGE MAY ACCEPT SERVICES, ETC.

The Chairman of the Village may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

SECTION 225.080: OATH

No person shall be employed or associated in any capacity in the Sycamore Hills Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Sycamore Hills Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Sycamore Hills Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

SECTION 225.090: OFFICE SPACE

The Chairman is authorized to designate space in any Village-owned or leased building for the Sycamore Hills Emergency Management Organization.

CHAPTER 230: SOLID WASTE

SECTION 230.010: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

BULKY RUBBISH: Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

COLLECTION: Removal of solid waste from its place of storage to the transportation vehicle.

COMMERCIAL SOLID WASTE: All solid waste generated from a source other than a dwelling unit.

CONTRACTOR: Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the Village.

CURBSIDE: A location adjacent to and not more than five (5) feet from any street.

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

DWELLING UNIT: Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating. Units of multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

GARBAGE: Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES: Any waste or combination of wastes, as determined by the Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a present or potential threat to the health of humans or the environment.

MAJOR APPLIANCES: Clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Any individual, partnership, corporation, association, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

PROHIBITED ITEMS: Items which are eliminated by State law from being disposed of in a solid waste disposal area including, but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

RECYCLABLE MATERIALS: Those items which may be removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing and which have been so designated by rule or regulation adopted in conformity with this Chapter.

RESIDENTIAL SOLID WASTE: Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting.

SOLID WASTE CONTAINER: Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT SYSTEM: The entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes.

STORAGE: Keeping, maintaining or storing solid waste from time of its production until the time of its collection.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

VILLAGE: The Village of Sycamore Hills, Missouri.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls. (Ord. No. 311 §2, 8-11-92)

SECTION 230.020: SOLID WASTE STORAGE

- A. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the Village shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.

- B. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the Village for a period longer than seven (7) days.
- C. Residential solid waste shall be stored in containers of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the Village may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the Village may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof and shall meet all requirements as set forth by Section 230.060.
- E. Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 230.030: COLLECTION OF SOLID WASTE

- A. The Village shall provide for the collection of solid waste as follows:
 - 1. *Collection of residential solid waste.* The Village shall provide for the collection of residential solid waste in the Village, provided however, that the Village may provide the collection service by contracting with a person, County or other Village or a combination thereof for the entire Village or portions thereof as deemed to be in the best interests of the Village.
 - 2. *Other collections.* The Village may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by Village. If and when the Village does provide commercial collection service, the provisions herein concerning such service shall apply.
- B. All solid waste from premises to which collection services are provided under contract with the Village shall become the property of the collection agency upon being loaded into the transportation equipment.

- C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Trustees.
- D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the Village for the collection of the same.
- E. Solid waste collectors, employed by the Village or a solid waste collection agency operating under contract with the Village, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
- F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.
- G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.
- H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
- I. The following collection frequencies shall apply to collections of solid waste within the Village: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- K. All solid waste collectors operating under contract with the Village or otherwise collecting solid waste within the Village limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.
- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the Village to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

SECTION 230.035: RECYCLABLE MATERIALS

The Board of Trustees of the Village of Sycamore Hills may contract with a person, firm, partnership or corporation for the collection and processing of recyclable materials, which contract may be for a period not exceeding three (3) years. In such event, the Board shall from time to time designate items or types of materials which shall be accepted for recycling and shall further designate procedures for the disposal and collection of recyclable materials within the Village. (Ord. No. 311 §6, 8-11-92)

SECTION 230.040: TRANSPORTATION OF SOLID WASTE

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.
- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

SECTION 230.050: DISPOSAL OF SOLID WASTE

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the Village and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The Village may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

SECTION 230.060: RULES AND REGULATIONS

- A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 2. Specifications for solid waste containers including the type, composition, equipment, size and shape thereof.
 3. Identification of solid waste containers and of the covers thereof and of equipment thereto appertaining, if any.
 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 5. Storage of solid waste in solid waste containers.
 6. Sanitation, maintenance and replacement of solid waste containers.
 7. Schedules of and routes for collection and transportation of solid waste.
 8. Collection points of solid waste containers.
 9. Collection, transportation, processing and disposal of solid waste.
 10. Processing facilities and fees for the use thereof.
 11. Disposal facilities and fees for the use thereof.
 12. Records of quantity and type of wastes received at processing and/or disposal facilities.
 13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The Village Clerk or such other Village Official who is responsible for preparing utility or other service charge billings for the Village is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the Village Clerk of the Village.

SECTION 230.070: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or

collectors shall be those of the Village, those of a solid waste collection agency operating under contract with the Village, or any duly licensed collector.

3. Dispose of solid waste at any facility or location which is not approved by the Village and the Missouri Division of Health.
4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the Village without a permit from the Village, or operate under an expired permit, or operate after a permit has been suspended or revoked.

SECTION 230.080: BONDS

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

SECTION 230.090: SERVICE CHARGES

- A. There is hereby imposed for the collection and disposal of solid wastes and for the improvement of the general public and environment a service charge for each dwelling unit to which such service shall be provided under the provisions of this Chapter. Said service charge shall be determined annually when a contract for said services is executed.
- B. The system of services established by the provisions of this Chapter hereof is designated as an integral part of the Village's program of health, sanitation and general welfare to be operated as an adjunct to the Village's system for providing all manner of utilities services. The Village may enforce collection of such charges by bringing proper legal action against the occupant of the premises which has received such services to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court plus the cost of such action.
- C. The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person contracting for Village utilities of any kind to each such dwelling unit. In the event a dwelling unit is not serviced by Village utilities or in the absence of information that such person is neither the owner or the tenant of such dwelling unit, then billing therefor shall be made to the owner. Service charges shall be payable to the Village of Sycamore Hills, Missouri.
- D. The Village shall include the foregoing service charge on its utility bill as a separate charge, which shall be paid on or before the fifteenth (15th) of the following month.
- E. The Village shall provide any contractor hereunder with a monthly statement showing the number of dwelling units, together with all additions and deletions.

CHAPTER 235: HEALTH AND SANITATION

ARTICLE I. HEALTH COMMISSIONER

SECTION 235.010: HEALTH COMMISSIONER

The Health Commissioner of St. Louis County shall serve as Health Commissioner of the Village of Sycamore Hills and shall exercise general supervision over the public health within the said Village of Sycamore Hills with all powers and duties appertaining thereto according to law. (Ord. No. 129 §1, 9-10-63)

ARTICLE II. HEALTH DEPARTMENT SERVICES

SECTION 235.020: ST. LOUIS COUNTY TO PROVIDE HEALTH DEPARTMENT SERVICES

- A. The Chairman of the Board of Trustees of the Village of Sycamore Hills is authorized and directed to enter into on behalf of the Village of Sycamore Hills a contract with St. Louis County whereby the County shall provide the services of trained Health Department personnel to carry out a public health and sanitation program within the Village of Sycamore Hills, including dog catching and rabies control service, general sanitation and food inspection and such other services and activities, excepting mosquito control, as the County Health Commissioner may at any time and from time to time determine to be necessary and within the facilities and capabilities of the County's Department of Public Health; all terms and provisions of the contract shall be such as the Chairman of the Board of Trustees approves.
- B. The Village of Sycamore Hills shall provide all necessary space and office equipment required at no cost to St. Louis County. The County is to furnish all inspection and testing equipment, supplies and laboratory facilities for which they are to be paid one dollar (\$1.00) per annum. (Ord. No. 129 §§2—3, 9-10-63)

ARTICLE III. BURNING REGULATIONS

SECTION 235.030: BURNING REGULATIONS—BONFIRES

- A. No person, firm or corporation shall burn or cause to be burned any sweepings, trash, paper, lumber, straw, hay or any combustible material, except the burning of leaves when properly attended, within the Village limits unless such material is securely confined in a refuse burner constructed of brick, concrete, plate iron, steel or wire and so constructed as to provide sufficient draft for complete combustion, with all openings in said burner securely covered by a cover of screen wire mesh not over two (2) inches in diameter. Any person so burning any such material shall continuously attend and observe the same while burning so as to prevent any fire from spreading or causing any damage to property or nuisance to other persons; and no refuse burner shall be placed or material be burned within ten (10) feet of the boundary line of any adjoining property

unless with the consent of the adjoining property owner and under no circumstances can it be within ten (10) feet of any building.

- B. Such material shall be burned between the hours of 7:00 A.M. and 7:00 P.M. only and, further, no burning is permitted on Sundays or holidays, except this Section shall not restrain the burning of leaves or barbecuing privately on Sundays or holidays.
- C. This Section shall not prevent the making of bonfires on proper occasions, provided that permission therefor in writing shall have first been obtained from the Fire Marshal of the Community Fire Department.
- D. No burning shall be done at any time in the streets, curbs or gutters made or maintained by the Village of Sycamore Hills, Missouri.
- E. Any person, firm or corporation violating any of the provisions of this Section shall be punished by a fine not exceeding one hundred dollars (\$100.00). (Ord. No. 95 §§1—5, 12-13-55)

CHAPTER 240: LATERAL SEWER SERVICE LINES ON RESIDENTIAL PROPERTY

SECTION 240.010: DEFINITIONS

As used herein, the following terms shall have the following definitions:

ADMINISTRATOR: The person or firm appointed by the Chairperson, with the approval of the Board of Trustees, to oversee the collection and disbursement of monies held in the fund and to perform the functions of the Administrator described in this Chapter, together with such other related duties which may be specified by the Board of Trustees.

CATASTROPHIC FAILURE: A condition created by a defective sewer lateral which results in any of the following:

1. Untreated sanitary sewage appearing above ground;
2. Collapse of or the substantial loss of subsurface support for a public street, public sidewalk or other public way within the Village; or
3. Complete cessation of the functioning of the sewer lateral such that no sewage is being removed from the dwelling.

DEFECTIVE SEWER LATERAL: That portion of a sewer lateral which has failed due to causes beyond the control of the residential property owner, but does not include a failure due to seismic activity or due to civil conflict, riot or war, neither does the term include blockage resulting from soil infiltration, pipe cracks, leaking joints or other causes which may be corrected without replacement of pipes or other portions of the sewer lateral.

FAILED OR FAILURE: When used with reference to a sewer lateral, means a collapse of the sewer lateral or a complete or partial cessation of functioning from any cause, such that the sewer lateral fails to carry substantially all of the sewage from the dwelling to the main line.

FUND OR SYCAMORE HILLS LATERAL SEWER SERVICE REPAIR FUND: The fund created pursuant to Section 240.030.

IMMEDIATE RISK OF HARM TO THE GENERAL PUBLIC: When used with reference to a lateral sewer line failure, means a failure which causes or results in untreated sanitary sewage appearing above ground or which causes or results in the loss of subsurface support or which occurs on property not owned by the owner of the lateral sewer line.

INSPECTOR: The person or firm appointed by the Chairperson, with the approval of the Board of Trustees, to perform those functions described in this Chapter.

QUALIFIED CONTRACTOR: Any bonded plumbers or drain layer firms licensed in St. Louis County to perform such sewer lateral testing or repair services described herein.

RESIDENTIAL, DWELLING, DWELLING UNIT: Any combination of such terms means a structure or portion of a structure located within the Village of Sycamore Hills and designed for and used or capable, without significant alteration, of use as a structure for human habitation and having its own

permanently installed cooking and sanitary facilities, including any structure previously used as a dwelling and not intentionally altered to no longer serve as a dwelling, but excluding any structure containing more than six (6) dwelling units.

SEWER LATERAL: Portion of the sanitary sewer pipe serving a dwelling commencing at the exterior of the foundation or other exterior wall of the dwelling and ending at the junction of such lateral with a sanitary sewer service line maintained by the Metropolitan St. Louis Sewer District or other public or semi-public entity. (Ord. No. 368 §1, 8-19-99)

SECTION 240.020: ANNUAL TAX IMPOSED

There is hereby assessed and imposed against each residential dwelling unit in the Village of Sycamore Hills a fee in the amount of twenty-eight dollars (\$28.00) per year which shall be charged annually with and enforceable in the same manner as the real property tax imposed or collected by the Village. For the purpose of this assessment, a lot containing one (1) or more attached dwelling units, such as a duplex, shall be assessed as a single residential dwelling unit unless one (1) or more dwelling units on said lot are served by wholly separate sewer laterals, in which event the assessment shall be imposed with respect to each separate sewer lateral. In the event the real property taxes imposed against any residential property within the Village shall be paid in installments or partially paid under protest, the Village Treasurer/Collector shall determine the portion of monies received which are allocable to the Fund. (Ord. No. 368 §2, 8-19-99)

SECTION 240.030: LATERAL SEWER SERVICE REPAIR FUND

- A. There is hereby created the Sycamore Hills Lateral Sewer Service Repair fund which shall be composed of all funds collected pursuant to Section 240.020, together with all funds donated to, recovered by or loaned to such fund and all interest or earnings accruing thereon. The Administrator is hereby authorized and directed to deposit the portion of any funds attributable to the assessment imposed by Section 240.020 into a separate interest-bearing account to be known as the Sycamore Hills Lateral Sewer Service Repair fund. Such funds shall not be part of municipal revenues of the Village and monies held in the fund shall be disbursed by the Administrator or the Administrator's designee, only in accordance with the terms of this Chapter and only for the purpose of paying for the replacement of defective sewer laterals and for the administration of this Chapter.
- B. The fund shall be initially established by a loan of ten thousand dollars (\$10,000.00) transferred from the general funds of the Village. The initial loan shall be reimbursed from the fund, without interest, at the rate of two thousand five hundred dollars (\$2,500.00) per year or such lesser amount such that the balance remaining in the fund immediately after such installment payment shall exceed ten thousand dollars (\$10,000.00). In the event any installment payment shall be less than two thousand five hundred dollars (\$2,500.00), the underpayment shall be added to the installment payment due in the following year, subject to the maintenance of a ten thousand dollar (\$10,000.00) balance in the fund following such payment. Except as specifically provided in this Section, there shall be no obligation on the part of the Village to contribute or loan additional monies to the fund. (Ord. No. 368 §§3—4, 8-19-99)

SECTION 240.040: DUTY OF OWNER TO MAINTAIN—FAILURE OF LINE—PROCEDURES

- A. It shall be the duty of each owner of a residential dwelling unit located within the Village of Sycamore Hills to have and maintain a functional sewer lateral line connected to a public sewer system. In the event either the Building or the Health Commissioner of the Village determines that a lateral sewer line serving a residence within the Village has failed and that such failure is causing or may cause the release of untreated sanitary sewage, such Commissioner shall give written notice to the owner of such lateral sewer line requiring that the owner of the property correct such failure.
- B. For the purpose of determining whether a lateral sewer line has failed, the Building or Health Commissioner may require the owner of a sewer lateral, which the Building or Health Commissioner reasonably believes to be the source of any release of untreated sanitary sewage, to permit entry or access into the residential dwelling unit for the limited purpose of dye testing or otherwise determining the source or possible source of such release.
- C. The written notice provided in Subsection (A) shall be delivered to the owner by personal delivery or by certified mail, return receipt requested or by posting at the residence, if the Building or Health Commissioner reasonably believes that the residence is occupied by the owner. Any notice returned by the postal service marked "Delivery Refused" or similar designation shall be deemed a delivery, provided the Building or Health Commissioner can establish that the owner has received notification by other means, such as a telephonic communication.
- D. The written notice shall include the following:
 - 1. A description, to the extent known by the Building or Health Commissioner, of the nature of the failure and the repair or correction required;
 - 2. A deadline for the correction of the failure, based on the guidelines described in Subsection (E) hereof;
 - 3. A reference to this Section and to the possible financial assistance provided by the fund; and
 - 4. A statement that failure to correct the failure of the sewer lateral may be punishable under this Section by a fine not exceeding one hundred dollars (\$100.00) for each day that the failure continues.
- E. Unless the sewer lateral failure creates an immediate risk of harm to the general public, the Building or Health Commissioner shall permit the owner of the lateral sewer line not less than thirty (30) days nor more than ninety (90) days in which to correct such failure of the lateral sewer line; provided that the Building or Health Commissioner may grant extensions of not more than thirty (30) days to correct a failure where the Building or Health Commissioner determines that the owner has taken substantial steps to correct the failure, but such extensions, together with the time allotted in the original notice, shall not exceed one hundred eighty (180) days from the original notice. In the event the Building or Health Commissioner reasonably believes an immediate risk of harm to the general public exists, the Building or Health Commissioner shall specify in the notice the grounds for such reasonable belief and shall require that the failure be corrected within not less than ten (10) nor more than thirty (30) days; a single extension of not more than thirty (30) days may be granted by the Building or Health Commissioner only upon a determination that adequate steps have been taken to assure that the failure does not currently constitute an immediate risk of harm to the general public.

- F. Failure or refusal by any owner of the lateral sewer service line to comply with the requirements of this Section shall be punishable by a fine not exceeding one hundred dollars (\$100.00) for each day that such failure or refusal continues. (Ord. No. 368 §5, 8-19-99)

SECTION 240.050: PAYMENT OF COSTS OF SUCH REPAIRS FROM THE FUND

- A. Monies held in the Sycamore Hills Lateral Sewer Service Repair Fund may be expended for the following purposes:
1. Payment of the costs of dye testing or video inspection of a lateral sewer line if such testing or examination is required pursuant to Section 240.040 hereof or payment or reimbursement of testing or examination costs if such testing or examination discloses that the sewer lateral is a defective sewer lateral;
 2. Payment of the costs of excavation and backfilling performed in connection with the repair or replacement of a defective sewer lateral, but not the costs of restoring ground cover, landscaping, fencing or accessory structures such as sheds, garages or swimming pools, provided however, that the cost of rerouting lateral sewer lines around permanently installed accessory structures may be paid if approved by the Administrator;
 3. Payment of the costs of repair or replacement of defective sewer laterals, including repair or replacement of adjoining piping, provided such work and costs have been approved pursuant to this Section
 4. Payment of the costs of replacement of streets, driveways and public or private sidewalks which are damaged or removed in the process of effecting repair or replacement of defective sewer laterals;
 5. Payment of reasonable compensation for and expenses of the Administrator, the inspector or other person or firm designated by the Board of Trustees and providing services in connection with the implementation of this Section; and
 6. Payment of the costs of reasonable and necessary ancillary expenses of the administration or implementation of this Section which have received prior approval by the Board of Trustees.
- B. Notwithstanding the provisions of Subsection (A)(2) hereof, monies held in the fund may be used to pay for the costs of restoring landscaping and ground cover which is removed or disturbed during repairs and which is located on property not owned by the owner of the lateral sewer service line. In addition, monies held in the fund may be used to restore fencing removed or disturbed during repairs and located on property not owned by the owner of the sewer lateral, provided such fence was erected in compliance with Village ordinances and that such fence, upon restoration, will be in compliance with current Village ordinances. The monies held in the fund shall not be used to restore any structure or other obstacle located on property not owned by the owner of the sewer lateral.
- C. Monies held in the fund may be used for payment or reimbursement of expenses described in this Section which are or will be incurred for the repair or replacement of a defective sewer lateral occurring on or after April 6, 1999; provided that any repairs or replacements occurring after April 6, 1999 and before the establishment of the fund shall only be paid or reimbursed as and to the

extent that monies will remain in the fund and only if such payment or reimbursement is approved in accordance with the provisions of this Section. (Ord. No. 368 §6, 8-19-99)

SECTION 240.060: APPLICATION TO OBTAIN BENEFITS FROM FUND

- A. An owner of a residential dwelling unit may obtain benefits from the fund by making application to the Village on a form or forms provided by the Village. Such application shall include a copy of the paid real estate tax bill for the most recent year and such information required by the Administrator relating to the qualification of the repairs for payment or reimbursement under this Chapter. The Administrator shall reject any application which does not contain sufficient information or documentation to determine whether the repairs or proposed repairs qualify or any application which discloses on its face that the repairs or proposed repairs do not qualify under this Section, such rejection shall specify the reason for rejection and, where appropriate, shall identify what additional information or documentation is required. Rejection by the Administrator because of insufficient information or documentation does not preclude such owner from resubmitting the application accompanied by the information or documentation previously omitted.
- B. An owner whose application has been rejected by the Administrator may appeal to the Board of Trustees for a determination whether such repairs or proposed repairs qualify for payment or reimbursement under this Section. Such appeal shall be in writing, shall specify the reason or reasons why the repairs or proposed repairs qualify under the Section and shall be submitted to the Village office within twenty (20) days after such rejection. Any appeal received in the Village office within seven (7) days prior to a regularly scheduled meeting of the Board of Trustees shall be considered as an agenda item in such Board meeting. Appeals received less than seven (7) days prior to such Board meeting may be considered if a majority of the Board consent to such consideration.
- C. The Board of Trustees shall determine whether the repairs or proposed repairs qualify under the Section. A determination by the Board that proposed repairs do qualify does not constitute a finding that the costs or extent of such repairs is reasonable and therefore fully reimbursable by the fund unless that issue was specifically appealed to the Board. A determination by the Board that the costs of repairs already made are reimbursable to the owner shall include a determination that the costs were reasonable and shall include a direction to the Administrator to reimburse the owner for all costs approved by the Board.
- D. The Administrator may, but shall not be obligated to, set aside sufficient monies within the fund to cover the estimated costs of repairing or replacing a defective sewer lateral based on information submitted with the application. In the event the Administrator elects to do so, such monies shall be separately identified in any reports of monies available in the fund until such time as the monies are disbursed pursuant to Section 240.100 or until six (6) months have elapsed since the Administrator authorized an owner to proceed, whichever shall first occur. If at any time monies held in the fund are insufficient to fully pay all authorized expenses, such unpaid expenses shall be a continuing claim against the fund as new revenues are received; provided however, that the Administrator shall be authorized to reject applications or to delay authorizations until sufficient monies are available in the fund. If at any time the Administrator believes that monies held in the fund are or will become insufficient to fully pay all authorized expenses, the Administrator shall so notify the Board of Trustees. (Ord. No. 368 §7, 8-19-99)

SECTION 240.070: OWNER'S RESPONSIBILITIES FOR ELIGIBILITY FOR PAYMENT OR REIMBURSEMENT BY FUND

- A. Prior to being eligible for payment or reimbursement by the fund, the owner of the sewer lateral must establish to the reasonable satisfaction of the Administrator that all or part of the sewer lateral constitutes a defective sewer lateral. The Administrator is authorized to require that the owner, at the owner's expense, have the sewer lateral cabled by a plumbing or drain and sewer cleaning company for the purpose of determining the nature of the failure of the sewer lateral. The costs of cabling a sewer lateral shall not be borne or reimbursable by the fund.
- B. The Administrator is further authorized to require that the owner of the sewer lateral, at the expense of such owner, have any one (1) or more of the following services or tests performed as a condition for possible payment or reimbursement by the fund:
1. Cleaning or rodding of the sewer lateral by a plumbing or drain and sewer cleaning company;
 2. Dye testing by a plumbing or drain and sewer cleaning company or by the St. Louis Metropolitan Sewer District (MSD);
 3. Video inspection of the sewer lateral by MSD or by a company providing such service;
 4. Obtaining bids for the repair of the sewer lateral by two (2) or more qualified contractors which bids shall include a description of the work to be performed; or
 5. Such other services or tests as the Administrator believes are reasonably necessary to determine whether the sewer lateral is a defective sewer lateral or to determine the extent and reasonable expense of repairing or replacing the defective sewer lateral.
- C. In the event any one (1) or more of the tests or services required by the Administrator pursuant to Subsection (B) shall disclose or establish that all or a part of the sewer lateral is a defective sewer lateral, the owner shall be entitled to payment of or reimbursement for the reasonable costs of such services or tests.
- D. The owner of the sewer lateral shall be entitled to select any qualified contractor to perform the tests or services described in Subsection (B). In the event the Administrator determines that the results or conclusions or the bids of any qualified contractor are not credible or reasonable, the Administrator may designate a qualified contractor to perform such service or test at the expense of the fund. If the results or conclusions of the qualified contractor selected by the Administrator are substantially similar to the results or conclusions of the qualified contractor selected by the owner, the costs of the services or tests incurred by the owner shall be reimbursed by the fund, regardless of whether any part of the sewer lateral is determined to be a defective sewer lateral. (Ord. No. 368 §8, 8-19-99)

SECTION 240.080: REPAIR OR REPLACEMENT OF DEFECTIVE SEWER LATERAL

- A. If the owner of a defective sewer lateral has submitted bids to the Administrator as provided in Section 240.070(B)(4) hereof, the Administrator may authorize such owner to accept any qualified bid as determined hereunder. To constitute a qualified bid, the owner must have submitted bids from at least two (2) qualified contractors, each bid must propose to perform substantially similar

services reimbursable by the fund and each bid must be within ten percent (10%) of the lowest bid submitted, unless the owner establishes to the satisfaction of the Administrator that the lowest bid is erroneous or unreasonable. A bid which contains a service which is not payable or reimbursable by the fund under this Section may still be a qualified bid if the bid separately itemizes the cost of any service not reimbursable by the fund; in such event the Administrator's authorization shall indicate which costs were deducted for the purpose of this Section and that such costs will be excluded in any payment or reimbursement.

- B. If the owner submits only one (1) bid, the Administrator shall determine, with the advice of the inspector, whether the amount of the bid is reasonable. In the event the Administrator rejects such bid, the owner may resubmit the rejected bid only in conjunction with one (1) or more bids from other qualified contractors.
- C. In the event the owner or the qualified contractor determines, following excavation of the defective sewer lateral, that repair or replacement of additional portions of the sewer lateral need to be made, the fund shall pay for such repair or replacement, provided the qualified contractor submits a written change order approved and signed by the inspector. The inspector shall approve such written change order if the inspector finds, after examination of the site, that the repair or replacement of the additional portions of the sewer lateral are necessary or appropriate and that the cost of such repair or replacement is reasonable. For the purpose of this Subsection, repair or replacement shall be deemed necessary either where the additional portions constitute a defective sewer lateral which could not readily be identified prior to excavation or where the additional portions must be repaired or replaced to assure a proper connection with the newly installed sewer lateral. For the purpose of this Subsection, repair or replacement shall be deemed appropriate where the existing sewer lateral is cracked, decayed or otherwise in a condition in which failure of the existing sewer lateral is likely within the next five (5) years.
- D. In the event of a catastrophic failure of a sewer lateral, the owner may proceed with repair or replacement of the defective sewer lateral by a qualified contractor without obtaining a bid and shall be entitled either to payment by the fund provided the owner or qualified contractor obtains the approval of the inspector for the nature and cost of the repair or replacement prior to the work being performed or to reimbursement by the fund, provided the owner or qualified contractor establishes to the satisfaction of the Administrator that the nature and cost of the repair or replacement was reasonable and that the condition constituted a catastrophic failure. (Ord. No. 368 §9, 8-19-99)

SECTION 240.090: INSPECTOR

The Administrator is hereby authorized to appoint, with the approval of the Board of Trustees, an inspector who shall perform those functions specifically designated herein, as well as such functions as shall be assigned to the inspector by the Administrator; such additional functions may include assisting the Administrator in determining whether the nature and cost of repair or replacement is reasonable or necessary and advising the Board on any appeal, issue or matter relating to the implementation of this Chapter. The inspector shall be a licensed professional engineer or an engineer-in-training supervised by a licensed professional engineer, the Building Inspector for the Village or a qualified contractor who, upon approval by the Board of Trustees, neither performs any sewer lateral repair or replacement services within the Village nor receives any remuneration, compensation or benefit from any qualified contractor performing such service within the Village during the term of his/her appointment or for a period of one (1) year following the term of his/her appointment (Ord. No. 368 §10, 8-19-99)

SECTION 240.100: PAYMENT UPON COMPLETION OF WORK

- A. Upon presentation by the owner of the defective sewer lateral to the Administrator of a written statement that the work has been completed, together with copies of itemized bills from any qualified contractor providing services in connection with the repair or replacement of the defective sewer lateral, the Administrator shall issue payment in accordance with the provisions of this Chapter. The Administrator shall issue a check payable jointly to the owner of the defective sewer lateral and to the qualified contractor unless the owner provides proof that the owner has fully paid for the service, in which event the check shall be payable to the owner.
- B. Notwithstanding the provisions of Subsection (A) hereof, in the event any of the repair or replacement work was performed on land not owned by the owner of the sewer lateral, the Administrator may require that any qualified contractor performing such work provide a mechanic's lien waiver with respect to that portion of the work.
- C. In the event the owner of the defective sewer lateral fails or refuses to provide a written statement that the work has been completed, such statement may be submitted by the qualified contractor performing such work. Upon receipt of such statement, the Administrator shall attempt to notify the owner, in writing, by certified mail, return receipt requested, at the last known address of such owner. Unless the owner files a written objection to payment of the qualified contractor within ten (10) days following the date of mailing of the Administrator's notice, the Administrator shall issue a check for the amount of the eligible expenses payable solely to the qualified contractor. If the owner files a timely written objection, the Administrator shall not evaluate or consider the merits of such objection, but shall segregate monies in the amount of the eligible expenses and shall release such monies upon receipt of one (1) of the following:
1. Written directions concerning the disbursement of the monies signed by both the owner and the qualified contractor;
 2. Notification from either the owner or the qualified contractor that a suit has been filed, in which event the Administrator may deposit the segregated monies into the registry of the court; or
 3. A final court order, judgment or decree indicating the amount of any award to the qualified contractor.

For the purpose of determining entitlement to such segregated monies, it shall not be necessary for any party to join the Village or the fund as a party to litigation or to obtain a garnishment or sequestration against the Village or the fund; in the event a party does join the Village or the fund in such litigation, any expenses incurred by the Village or the fund in excess of any amount the court awards the Village or fund from the segregated monies shall be paid from the fund. (Ord. No. 368 §11, 8-19-99)

SECTION 240.110: WORK DOES NOT CONSTITUTE WARRANTY

Nothing in this Chapter or in any act performed by the Administrator or the inspector pursuant to this Chapter shall be deemed to constitute a warranty of any work performed in connection with the testing, repair or replacement of any sewer lateral. Notwithstanding any provision herein relating to inspection of work performed, neither the Administrator nor the inspector shall evaluate the quality of work performed. (Ord. No. 368 §12, 8-19-99)

SECTION 240.120: AMENDMENTS

This Chapter may be amended from time to time at the discretion of the Board of Trustees, but no such amendment shall affect any pending application for benefits. (Ord. No. 368 §13, 8-19-99)

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL PROVISIONS

SECTION 300.010: DEFINITIONS

The following words and phrases, when used in this Title, mean:

ABANDONED PROPERTY: The definition for abandoned property shall be the same as that set out in Section 217.010 of this Code.

ALL-TERRAIN VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

ALLEY OR ALLEYWAY: Any street with a roadway of less than twenty (20) feet in width.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks or office buildings, and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT: All streets and portions of streets within the area described by Village ordinance as such.

COMMERCIAL MOTOR VEHICLE: A motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers but not including vanpools or shuttle buses.

CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

EMERGENCY VEHICLE: A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.060 of this Title;
4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;
7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

FREIGHT CURB LOADING ZONE: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION:

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE: Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the Village.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE: A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN: Any person afoot.

PERSON: Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER: Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY: The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate

roadways, the term "*roadway*", as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP: When required, complete cessation from movement.

STOP OR STOPPING: When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET OR HIGHWAY: The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "*State highway*", a highway maintained by the State of Missouri as a part of the State highway system.

THROUGH HIGHWAY: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign when such signs are erected as provided in this Title.

TRACTOR OR TRUCK-TRACTOR: A self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semi-trailer, it supports a part of the weight thereof.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAILER: Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "*trailer*" shall not include cotton trailers as defined in Subdivision (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

URBANIZED AREA: An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of

Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

UTILITY VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three (63) inches or less in width, with an unladen dry weight of one thousand eight hundred fifty (1,850) pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care or maintenance purposes.

VEHICLE: Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by handicapped persons.

SECTION 300.020: CLOSING STREETS

- A. The Street Commissioner is authorized with the approval by resolution of the Board of Trustees to close any street, public place or highway and withdraw the same temporarily from use by vehicles or motorized bicycles for the purpose of permitting public work thereon or for such other temporary public purpose as the Board of Trustees shall designate. The Street Commissioner is authorized, with the approval of the Chairman of the Board of Trustees, to close any street, public place or highway and withdraw the same from public use in the event and for so long as a public emergency shall make such action necessary.
- B. The Street Commissioner shall place a sign or placard at each end of the portion of the street, public place or highway withdrawn from public use so as to give notice of said action.
- C. No person shall drive or attempt to drive any vehicle or motorized bicycle upon said street, public place or highway so withdrawn from public use. (Ord. No. 387 §10, 1-17-02)

CHAPTER 305: TRAFFIC ADMINISTRATION

SECTION 305.010: RECORDS OF TRAFFIC VIOLATIONS

- A. The Police Department shall keep a record of all violations of the traffic ordinances of the Village or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All such records and reports shall be public records.

SECTION 305.020: POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS

It shall be the duty of the Police Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

SECTION 305.030: TRAFFIC ACCIDENT REPORTS

The Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the Village Traffic Engineer.

SECTION 305.040: POLICE DEPARTMENT TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT

The Police Department shall annually prepare a traffic report which shall be filed with the Chairman. Such report shall contain information on traffic matters in the Village as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data.
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.
3. The plans and recommendations of the Police Department for future traffic safety activities.

SECTION 305.050: VILLAGE TRAFFIC ENGINEER

- A. The office of Village Traffic Engineer is established. The Village Engineer or other designated

Village Official shall serve as Village Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.

- B. The Village Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the Village, and cooperate with other Village Officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the Village.
- C. The Police Commissioner of the Village of Sycamore Hills shall exercise the powers and duties of the "Village Traffic Engineer" as provided herein. (Ord. No. 387 §2.2, 1-17-02)

SECTION 305.060: EMERGENCY AND EXPERIMENTAL REGULATIONS

- A. The Chief of Police by and with the approval of the Village Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the Village and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.
- B. The Village Traffic Engineer may test traffic control devices under actual conditions of traffic.

CHAPTER 310: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTION 310.010: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

- A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of the Village and all of the State vehicle laws applicable to traffic in the Village.
- B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

SECTION 310.020: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official.

SECTION 310.030: PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

SECTION 310.040: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or Village and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

SECTION 310.050: EMERGENCY VEHICLES—USE OF LIGHTS AND SIRENS—RIGHT- OF-WAY—STATIONARY VEHICLES, PROCEDURE—PENALTY

- A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.060 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of,

the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.

B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. *Responsibilities Of Driver Of Emergency Vehicle.*

1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.
 2. The driver of an emergency vehicle may:
 - a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
 3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

**SECTION 310.060: SIRENS AND FLASHING LIGHTS EMERGENCY USE—PERSONS
AUTHORIZED—VIOLATION—PENALTY**

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association or rescue squad, whether paid or volunteer, may be operated on streets and highways in this Village

as an emergency vehicle under the provisions of Section 310.050 of this Chapter, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

SECTION 310.070: IMMEDIATE NOTICE OF ACCIDENT WITHIN VILLAGE

The driver of a vehicle involved in an accident within the Village resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall give or cause to be given notice of such accident to the Police Department as soon as reasonably possible.

SECTION 310.080: WRITTEN REPORT OF ACCIDENT

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

SECTION 310.090: WHEN DRIVER UNABLE TO REPORT

- A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.070 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.
- B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.080 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five (5) days after the accident, make such report not made by the driver.

SECTION 310.100: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

- A. A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle on the highways, streets or roads of the Village or on any publicly or privately owned parking lot or parking facility within the Village generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to

property due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including Village and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police station or judicial officer.

- B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

CHAPTER 315: TRAFFIC CONTROL DEVICES

SECTION 315.010: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The Village Traffic Engineer shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the Village to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the Village or under State law or to guide or warn traffic.

SECTION 315.020: MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the Board of Aldermen of the Village. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the Village. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

SECTION 315.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

SECTION 315.040: WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

SECTION 315.050: OFFICIAL TRAFFIC CONTROL DEVICES—PRESUMPTION OF LEGALITY

- A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

SECTION 315.060: TRAFFIC CONTROL SIGNAL LEGEND—RIGHT TURN ON RED LIGHT—WHEN

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. *Green indication.*

- a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*

- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. *Steady red indication.*

- a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this Subsection.
- b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where

safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.

- c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

SECTION 315.070: PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words "*Walk*" or "*Don't Walk*" or appropriate symbols are in place, such signals shall indicate as follows:

1. "*WALK*": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
2. "*WAIT*" or "*DON'T WALK*": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

SECTION 315.080: FLASHING SIGNALS

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

1. *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
2. *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

SECTION 315.090: LANE DIRECTION CONTROL SIGNALS

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown.

SECTION 315.100: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

No person shall place, maintain or display upon or in view of any highway an unauthorized sign,

signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device.

SECTION 315.110: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any inscription, shield or insignia thereon or any other part thereof.

SECTION 315.120: AUTHORITY TO ESTABLISH PLAY STREETS

The Village Traffic Engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 315.130: PLAY STREETS

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 315.140: VILLAGE TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The Village Traffic Engineer is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway and at such other places as he/she may deem necessary.
2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

SECTION 315.150: TRAFFIC LANES

- A. The Village Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
- B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

CHAPTER 320: SPEED REGULATIONS

SECTION 320.010: STATE SPEED LAWS APPLICABLE

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the Village, except that the Village may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

SECTION 320.020: REGULATION OF SPEED BY TRAFFIC SIGNALS

The Village Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

SECTION 320.030: GENERAL SPEED LIMIT

Except where otherwise provided by signs erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the Village in excess of twenty (20) miles per hour. (Ord. No. 387 §3.1, 1-17-02)

SECTION 320.040: SLOW SPEED—REGULATIONS

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation.

SECTION 320.050: SPECIAL SPEED LIMITS ON ROADWAYS

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.

CHAPTER 325: TURNING MOVEMENTS

SECTION 325.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.
4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:
 - a. A left turn shall not be made from any other lane;
 - b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law; and
 - c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

SECTION 325.020: AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

- A. The Village Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 325.030: AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The Village Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SECTION 325.040: OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SECTION 325.050: LIMITATIONS ON TURNING AROUND

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

CHAPTER 330: ONE-WAY STREETS AND ALLEYS

SECTION 330.010: AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

Whenever any ordinance of the Village designates any one-way street or alley, the Village Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SECTION 330.020: ONE-WAY STREETS AND ALLEYS

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SECTION 330.030: AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

- A. The Village Traffic Engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Village Traffic Engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
- B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

CHAPTER 335: STOP AND YIELD INTERSECTIONS

SECTION 335.010: THROUGH STREETS DESIGNATED

Those streets and parts of streets described by ordinances of the Village are declared to be through streets for the purposes of Sections 335.010 to 335.090.

SECTION 335.020: SIGNS REQUIRED AT THROUGH STREETS

Whenever any ordinance of the Village designates and describes a through street, it shall be the duty of the Village Traffic Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Village Traffic Engineer upon the basis of an engineering and traffic study.

SECTION 335.030: OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The Village Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

SECTION 335.040: STOP AND YIELD SIGNS

- A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
- B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

SECTION 335.050: VEHICLE ENTERING STOP INTERSECTION

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection

(B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

SECTION 335.060: VEHICLE ENTERING YIELD INTERSECTION

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

SECTION 335.070: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

SECTION 335.080: STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

CHAPTER 340: MISCELLANEOUS DRIVING RULES

SECTION 340.010: FOLLOWING EMERGENCY VEHICLE PROHIBITED

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 340.020: CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

SECTION 340.030: FUNERAL PROCESSIONS

A. *Definitions.* As used in this Section, the following terms shall mean:

FUNERAL DIRECTOR: A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE OR LEAD VEHICLE: Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION: Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition or a funeral establishment, church, synagogue or other place where additional funeral services will be performed if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.
2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.
3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.

4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.
 5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.
 6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
 - a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5) above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;
 - b. Join a funeral procession for the purpose of securing the right-of-way; or
 - c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.
 7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.
 8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.
- C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars (\$100.00).

SECTION 340.040: DRIVING IN PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

SECTION 340.050: WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

SECTION 340.060: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK—PROHIBITION ON OBSTRUCTION OF BICYCLE LANES—DRIVERS TO YIELD TO BICYCLES IN DESIGNATED BICYCLE LANES

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing

motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this Section, the term "*designated bicycle lane*" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

SECTION 340.070: LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 340.080: OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 340.090: RIDING ON MOTORCYCLES—ADDITIONAL PASSENGER—REQUIREMENTS

- A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.
- B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

SECTION 340.100: RIDING BICYCLE ON SIDEWALKS—LIMITATIONS—MOTORIZED BICYCLES PROHIBITED

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- C. No person shall ride a motorized bicycle upon a sidewalk.

**SECTION 340.110: ALL-TERRAIN VEHICLES—PROHIBITED—EXCEPTIONS—
OPERATION UNDER AN EXCEPTION—PROHIBITED USES—
PENALTY**

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, upon the streets and highways of this Village, except as follows:
1. All-terrain vehicles owned and operated by a governmental entity for official use; or
 2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.
- B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this Village, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.
- D. No person shall operate an all-terrain vehicle:
1. In any careless way so as to endanger the person or property of another;
 2. While under the influence of alcohol or any controlled substance; or
 3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.
- E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

**SECTION 340.115: UTILITY VEHICLES, OPERATION ON HIGHWAY AND IN STREAMS
OR RIVERS PROHIBITED—EXCEPTIONS—PASSENGERS
PROHIBITED—VIOLATIONS, PENALTY**

- A. No person shall operate a utility vehicle, as defined in Section 300.010 of this Title, upon the highways of this Village or State, except as follows:

1. Utility vehicles owned and operated by a governmental entity for official use;
 2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
 3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset;
 4. The Village may issue special permits for utility vehicles to be used on highways within the Village limits by licensed drivers. Fees of fifteen dollars (\$15.00) may be collected and retained by the Village for such permits.
- B. No person shall operate a utility vehicle within any stream or river in this Village or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this Village or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subparagraph (3) of Subsection (A) of this Section shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five (45) miles per hour.
- D. No persons shall operate a utility vehicle:
1. In any careless way so as to endanger the person or property of another; or
 2. While under the influence of alcohol or any controlled substance.
- E. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one (1) person.
- F. A violation of this Section shall be an ordinance violation.

SECTION 340.120: RIDING BICYCLES, SLEDS, ROLLER SKATES BY ATTACHING TO ANOTHER VEHICLE PROHIBITED—PULLING A RIDER BEHIND VEHICLE PROHIBITED

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

SECTION 340.130: CONTROLLED ACCESS

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

SECTION 340.140: DRIVING THROUGH SAFETY ZONE PROHIBITED

No vehicle shall at any time be driven through or within a safety zone.

SECTION 340.150: MANNER OF OPERATION OF MOTOR VEHICLES---CAREFUL AND PRUDENT

Every person operating a motor vehicle on the highways of this Village shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

SECTION 340.160: DRIVING TO THE RIGHT

- A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
 2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
 3. When the right-half of a roadway is closed to traffic while under construction or repair; or
 4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
- B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semi-circular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.
- C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.
 4. Official signs may be erected by the State Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.
 5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway whenever possible.
- D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.
- E. All trucks registered for a gross weight of more than forty-eight thousand (48,000) pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways or expressways within urbanized areas of the State having three (3) or more lanes of traffic proceeding in the same direction. This restriction shall not apply when:
1. It is necessary for the operator of the truck to follow traffic control devices that direct use of a lane other than the right lane; or
 2. The right-half of a roadway is closed to traffic while under construction or repair.
- F. As used in Subsection (E) of this Section, "truck" means any vehicle, machine, tractor trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in Section 300.010 of this Title.

SECTION 340.170: PASSING REGULATIONS

- A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
 2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle

shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;
2. Upon a Village street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction; or
3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection.

SECTION 340.180: HAND AND MECHANICAL SIGNALS

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.
2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the

vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.

3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.
4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

SECTION 340.190: STOPPING FOR SCHOOL BUS

- A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.
- B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "*State Law: Stop While Bus is Loading and Unloading*". Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.
- C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices

described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.

- D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution and, in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.
- E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

SECTION 340.200: RIGHT-OF-WAY AT INTERSECTION—SIGNS AT INTERSECTIONS

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.
- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall

yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

- E. The Village may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.150.

State Law Reference—This Section has additional penalties based on certain circumstances, §304.351, RSMo.

SECTION 340.210: DISTANCE AT WHICH VEHICLE MUST FOLLOW

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

SECTION 340.220: USE OF SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, SCOOTERS, ETC., ON STREETS PROHIBITED—EXCEPTIONS

It shall be unlawful for any person to drive, ride or operate or for any parent or guardian to permit a child under the age of seventeen (17) to drive, ride or operate, upon, over or across any street in this Village any skateboard, roller skates, in-line skates, sled, coaster, scooter, cart or toy vehicle, except upon play streets or upon such streets and at such times as may be designated pursuant to Section 300.020. (Ord. No. 387 §6.5, 1-17-02)

SECTION 340.230: PROTECTIVE HEADGEAR REQUIRED TO OPERATE OR BE A PASSENGER UPON SKATEBOARDS, ROLLER SKATES, BICYCLES, ETC.

- A. *Definitions.* When used in this Section, the following words shall have the meanings set out herein:

BICYCLE: Shall have the same meaning as defined in Section 375.010.

SIMILAR DEVICE: Includes, but not limited to, in-line skates, roller skates, scooters, carts, coasters, skateboards, toy vehicles, tricycles and similar devices propelled solely by human power.

- B. Every person operating or being a passenger on a bicycle or similar device on a public roadway, public bicycle path or other public rights-of-way shall wear a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet. As used in this Section, the term "*bicycle helmet*" means a piece of headgear which meets or exceeds the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission, the American National Standards

Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM).

- C. No person operating a bicycle or similar device on a public roadway, public bicycle path or other public rights-of-way shall allow anyone to ride as a passenger unless the passenger is wearing a bicycle helmet as defined above; or else is in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.
- D. No parent, custodian or legal guardian of a person age seventeen (17) and under shall knowingly permit said person to operate or be a passenger on a bicycle or similar device without wearing a bicycle helmet as defined in this Section.
- E. No person operating a bicycle or similar device on a public roadway, public bicycle path or other public rights-of-way shall allow anyone who is either four (4) years old or younger, weighing forty (40) pounds or less, to ride as a passenger on the bicycle other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's moving parts.
- F. Any operator of a bicycle or similar device operator or passenger found to be in violation of this Section may be issued an equipment violation notice as prescribed on a Missouri Uniform Complaint and Summons. The person responsible for payment of the violation may have the violation dismissed if the person submits a receipt for a proof of purchase of a bicycle helmet, along with the helmet, to the Chief of Police or his/her designee within ten (10) calendar days of the date of the violation notice.
- G. Fines assessed to juvenile violators (age seventeen (17) and under) will be the legal responsibility of the violator's parent, custodian or legal guardian and therefore any summons issued as a result of a violation committed by such a juvenile shall be issued to said violator's parent, custodian or legal guardian.
- H. This Section shall only apply to bicycles on and similar devices operated on public access and not on private residential property. (Ord. No. 425, 7-17-08)

SECTION 340.240: SIZE AND WEIGHT LIMITATIONS

- A. It shall be unlawful to operate upon, over or on the following streets or parts thereof within the Village: Graceland Avenue, Walton Road, Oakland Avenue, McKibbon Road, Ashland Avenue, Northland Avenue, Marshall Avenue, Hartland Avenue and Sycamore Court, any vehicle, the width of which, including load, is greater than ninety-six (96) inches or the height of which, including load, is greater than twelve and one-half (12½) feet and no combination of such vehicles coupled together of a total or combined length, including coupling, in excess of forty (40) feet shall be operated on said streets, and not to exceed two (2) vehicles shall be operated in combination. These restrictions as to length shall not apply to vehicles temporarily towing, for repair purposes, cars that have become disabled upon the streets, provided that not more than one (1) car is being towed.
- B. It shall be unlawful for any person to drive, convey or operate upon, over, across or on the following streets or parts thereof within the Village: Graceland Avenue, Walton Road, Oakland Avenue, McKibbon Road, Ashland Avenue, Northland Avenue, Marshall Avenue, Hartland Avenue and Sycamore Court or to park or store in open view within the Village any vehicle which weighs

or is licensed for in excess of eighteen thousand (18,000) pounds gross vehicle weight, other than a recreational vehicle operated and stored in compliance with Ordinance No. 298.

- C. The provisions of Subsections (A) and (B) hereof shall not be applicable to vehicles operated upon or parked or standing on any street in this Village between the hours of 7:00 A.M. and 9:00 P.M. for the sole purpose of making a delivery to or receiving a delivery from a person residing on said street or on a street accessible only by the street upon which the vehicle is operated herein, neither shall said Subsections be applicable to a vehicle operated pursuant to and in accordance with the provisions of Chapter 230, or any successor thereto, of the Village. As used herein, "delivery" shall be limited to passengers, goods, wares, merchandise, furnishings or appliances.
- D. Whenever by reason of thawing of frost, or rains, or due to new construction or other reason any street in this Village shall be in a soft condition, the maximum gross weight of all vehicles, including load, may be limited by the Street Commissioner to such an amount and in such manner as will preserve the street under such conditions; and said Street Commissioner shall give or cause to be given due notice thereof by posting notices at convenient and public places along and near such street subject to said regulations. It shall be unlawful for any person to fail to comply with the limitations or restrictions as to the use of such street as set forth in such notices.
- E. Notwithstanding Subsections (A), (B) or (C), it shall be unlawful to operate any commercial vehicle, as defined in Section 300.010 of this Title, upon, over or on the following streets or parts thereof within the Village: Graceland Avenue, Walton Road, Oakland Avenue, McKibbin Road, Ashland Avenue, Northland Avenue, Marshall Avenue, Hartland Avenue and Sycamore Court; provided however, that nothing herein shall be construed to impair the right to cross such street or streets at intersection points nor to enter such street for the purpose of making a delivery to or receiving a delivery from a person residing on said street or on a street accessible only by the street upon which the said commercial vehicle is operated. (Ord. No. 387 §§7.1—7.5, 1-17-02; Ord. No. 396 §§1—2, 6-19-03)

CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES

Cross Reference—As to reimbursement of certain costs related to arrest under this chapter, §125.040(10) of this code.

SECTION 342.010: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

DRIVE, DRIVING, OPERATES OR OPERATING: Physically driving or operating a motor vehicle.

INTOXICATED CONDITION: A person is in an "intoxicated condition" when he/she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri.

SECTION 342.020: DRIVING WHILE INTOXICATED

A person commits the offense of "driving while intoxicated" if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

- A. A person commits the offense of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this Village with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.
- B. As used in this Section, "percent by weight of alcohol" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

SECTION 342.040: CHEMICAL TEST FOR ALCOHOL CONTENT—CONSENT IMPLIED—ADMINISTERED—WHEN—HOW—VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE

- A. This Section and Section 577.021, RSMo., shall be known as the Alan Woods Law.
- B. Any person who operates a motor vehicle upon the public highways of this Village shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a

chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

1. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition;
2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight;
3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
5. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in Section 565.002, RSMo., and has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapter 307, RSMo., or similar provisions contained in County or municipal ordinances; or
6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in Section 565.002, RSMo.

The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

- C. The implied consent to submit to the chemical tests listed in Subsection (B) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
- D. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.
- E. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.

F. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

1. The type of test administered and the procedures followed;
2. The time of the collection of the blood or breath sample or urine analyzed;
3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
4. The type and status of any permit which was held by the person who performed the test;
5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

G. Any person given a chemical test of the person's breath pursuant to Subsection (B) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

SECTION 342.050: CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE—PROHIBITED WHEN

- A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways.
- B. Any person found guilty of violating the provisions of this Section is guilty of an ordinance violation.
- C. Any ordinance violation under this Section shall not reflect on any records with the Department of Revenue.

CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES

SECTION 345.010: PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

SECTION 345.020: PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

SECTION 345.040: CROSSING AT RIGHT ANGLES

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places.

SECTION 345.060: PROHIBITED CROSSING

- A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

SECTION 345.070: PEDESTRIANS WALKING ALONG ROADWAYS

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

SECTION 345.080: DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

SECTION 345.090: DISTANCE TO BE MAINTAINED WHEN OVERTAKING A BICYCLE

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle and shall maintain clearance until safely past the overtaken bicycle.

CHAPTER 350: METHOD OF PARKING

SECTION 350.010: STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

SECTION 350.020: SIGNS OR MARKINGS INDICATING ANGLE PARKING

- A. The Village Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the Village unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

SECTION 350.030: OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS

On those streets which have been signed or marked by the Village Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

SECTION 350.040: PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

- A. The Village Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

SECTION 350.050: LAMPS ON PARKED VEHICLES

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half ($\frac{1}{2}$) hour after sunset and a half ($\frac{1}{2}$) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.

- B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half ($\frac{1}{2}$) hour after sunset and a half ($\frac{1}{2}$) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
- C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

CHAPTER 355: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

SECTION 355.010: STOPPING, STANDING OR PARKING PROHIBITED

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:
1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - b. On a sidewalk.
 - c. Within an intersection.
 - d. On a crosswalk.
 - e. Between a safety zone and the adjacent curb or within twenty-five (25) feet of points on the curb immediately opposite the ends of a safety zone, unless the Village indicates a different length by signs or markings.
 - f. Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - h. In a fire lane designated and marked in accordance with the provisions of the Municipal Code of the Village.
 - i. Except parking or stopping in conjunction with loading or unloading a motor vehicle for a period not to exceed thirty (30) minutes.
 - j. On or in parking lots and parking spaces which are restricted and so posted.
 - k. At any place where official signs prohibit stopping.
 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway.
 - b. Within fifteen (15) feet of a fire hydrant.
 - c. Within twenty (20) feet of a crosswalk at an intersection.
 - d. Within twenty-five (25) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.

- e. Within twenty (20) feet of the front of any trash container, receptacle or dumpster or in such a way as to block the normal access to the container, receptacle or dumpster.
 - f. Within eight (8) feet of a mailbox.
3. Park a vehicle, whether occupied or not, except temporarily, for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
- a. At any place where official signs prohibit parking.
4. Park or cause to be parked on any street any commercial vehicle, tractor, trailer, tractor-trailer or any other commercial vehicle, except in emergencies or except pursuant to a permit issued by the Chief of Police or his/her designee, which permit shall be issued only to address special circumstances or emergency situations of sufficient gravity to warrant a deviation from this general prohibition. This prohibition shall not apply to temporary parking of the above-referenced vehicles, limited for the pickup or delivery of materials or goods or for the provision of other services to the lot or unit, including the loading or unloading of said vehicle.
5. In all areas zoned residential, no commercial vehicle shall be parked or stored on any lot, unless parked or stored in an enclosed garage or in any other enclosure suitably constructed for vehicle parking except during periods of approved construction on the lot. No tractor, tractor-trailer, semi-truck or other commercial vehicle shall be permitted to be parked or stored on any lot except during periods of approved construction on the lot or except pursuant to a permit issued by the Chief of Police or his/her designee. Said permit shall be issued only to address special circumstances or emergency situations of sufficient gravity to warrant a deviation from this general prohibition. This prohibition of parking shall not apply to temporary parking of the above-referenced vehicles limited for the pickup or delivery of materials or goods or the delivery of other vehicles to the lot, including loading and unloading of the vehicle.
- B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.
- C. If any vehicle is found upon a street or highway or upon any lot in violation of any provisions of this Section regulating the stopping, standing or parking of a vehicle, and the identity of the operator cannot be determined, proof of the identity of the owner or person in whose name such vehicle is registered shall be prima facie evidence that such person was the operator at the time of the violation and responsible for such violation. (Ord. No. 424 §1, 7-17-08)

SECTION 355.020: PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

SECTION 355.030: PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular

traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or
2. Repair such vehicle except repairs necessitated by an emergency.

SECTION 355.050: PARKING ADJACENT TO SCHOOLS

- A. The Village Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

SECTION 355.060: PARKING PROHIBITED ON NARROW STREETS

- A. The Village Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

SECTION 355.070: STANDING OR PARKING ON ONE-WAY STREETS

The Village Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

SECTION 355.080: STANDING OR PARKING ON ONE-WAY ROADWAYS

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Village Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

SECTION 355.090: NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

- A. The Village Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

SECTION 355.100: PHYSICALLY DISABLED PARKING

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine".
- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY

SECTION 360.010: VILLAGE TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

The Village Traffic Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

SECTION 360.020: PERMITS FOR CURB LOADING ZONES

The Village Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The Village Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the Village Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the Village for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

SECTION 360.030: STANDING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

SECTION 360.040: STANDING IN FREIGHT CURB LOADING ZONES

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

SECTION 360.050: VILLAGE TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The Village Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

SECTION 360.060: STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

SECTION 360.070: RESTRICTED USE OF BUS AND TAXICAB STANDS

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

SECTION 365.010: APPLICATION OF CHAPTER

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

SECTION 365.020: REGULATIONS NOT EXCLUSIVE

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

SECTION 365.060: PARKING SIGNS REQUIRED

Whenever by this Title or any ordinance of the Village any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Village Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

**SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN
STREETS**

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

CHAPTER 370: VEHICLE EQUIPMENT

ARTICLE I. LIGHT REGULATIONS

SECTION 370.010: WHEN LIGHTS REQUIRED

- A. *"When lighted lamps are required"* means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.
- B. *When Lights Required—Violation—Penalty.*
1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.
 2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision of law, violation of this Section shall be deemed an ordinance violation and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars (\$10.00) and no court costs shall be assessed.

SECTION 370.020: HEADLAMP ON MOTOR VEHICLES

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

SECTION 370.030: MULTIPLE-BEAM HEADLAMPS—ARRANGEMENT

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

SECTION 370.040: DIMMING OF LIGHTS--WHEN

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

SECTION 370.050: TAILLAMPS--REFLECTORS

- A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
- B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.
- C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the

vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.

- D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an ordinance violation.

SECTION 370.060: AUXILIARY LAMPS--NUMBER--LOCATION

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

SECTION 370.070: COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp, except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

SECTION 370.080: SPOTLAMPS

Any motor vehicle may be equipped with not to exceed one (1) spotlight but every lighted spotlight shall be so aimed and used so as not to be dazzling or glaring to any person.

SECTION 370.090: COLORS OF VARIOUS LAMPS--RESTRICTION OF RED LIGHTS

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowlamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

SECTION 370.100: LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS--FLASHING SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.010 of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and

on commercial passenger transport vehicles that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

SECTION 370.110: LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

SECTION 370.120: OTHER VEHICLES—HOW LIGHTED

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

SECTION 370.130: ANIMAL-DRIVEN VEHICLES—LIGHTING REQUIREMENTS— PENALTY

- A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this Village any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half ($\frac{1}{2}$) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet.
- B. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half ($\frac{1}{2}$) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this Village. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet.
- C. Any person operating an animal-driven vehicle during the hours between sunset and one-half ($\frac{1}{2}$)

hour before sunrise may, in lieu of the requirements of Subsection (B) of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.

- D. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

ARTICLE II. OTHER VEHICLE EQUIPMENT

SECTION 370.140: OTHER EQUIPMENT OF MOTOR VEHICLES

- A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.
- B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.
- C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
- D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.
- E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.
- F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The

provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.

- G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this Village, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.
- H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this Village.

**SECTION 370.150: LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED—
FAILURE—PENALTY**

- A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this Village and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.
- B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by law.

SECTION 370.160: SEAT BELTS

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "*passenger car*" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "*passenger car*" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the Village, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this Village shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 370.170 of this Chapter shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their

body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age as provided in Section 370.170 of this Chapter.

- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 370.170 of this Chapter.
- E. Except as otherwise provided for in Section 370.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an ordinance violation for which a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.
- F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo.

**SECTION 370.170: TRANSPORTING CHILDREN UNDER SIXTEEN YEARS OF AGE—
RESTRAINT SYSTEMS**

- A. As used in this Section, the following terms shall have these prescribed meanings:

CHILD BOOSTER SEAT: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

DRIVER: A person who is in actual physical control of a motor vehicle.

- B. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this Village, for providing for the protection of such child as follows:
 - 1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
 - 2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
 - 3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at

least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet nine (9) inches tall shall be secured in a child passenger restraint system or booster seat appropriate for that child.

4. Children at least eighty (80) pounds or children more than four (4) feet nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.
6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

- C. Any driver who violates Subdivisions (1), (2) or (3) of Subsection (B) herein is guilty of an ordinance violation and upon conviction may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein is guilty of an ordinance violation and, upon conviction, may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein shall be subject to the penalty in Subsection (B) of Section 370.160 of this Chapter. If a driver receives a citation for violating Subdivisions (1), (2) or (3) of Subsection (B) herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.
- D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.

SECTION 370.180: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED—PENALTY—RULES—PROCEDURE

- A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent ($\pm 3\%$) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent ($\pm 3\%$). Except as provided in Subsection (C) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a

physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.

- B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.
- C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.
- D. Any person who violates the provisions of this Section is guilty of an ordinance violation.

SECTION 370.190: HEADGEAR REQUIRED—MOTORCYCLES OR MOTORTRICYCLES

- A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this Village shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.
- B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an ordinance violation for which a fine not to exceed twenty-five dollars (\$25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

SECTION 370.200: STUDDERED TIRES—PROHIBITED WHEN

No person shall operate any motor vehicle upon any road or highway of this Village between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

SECTION 370.210: RESTRICTION ON USE OF METAL-TIRED VEHICLES

- A. No metal-tired vehicle shall be operated over any of the improved highways of this Village, except

over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire unless the highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

- B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.
- C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

SECTION 370.220: PASSENGERS IN TRUCKS

- A. As used in this Section, the term "truck" means a motor vehicle designed, used or maintained for the transportation of property.
- B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the Village when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.
- C. The provisions of this Section shall not apply to:
 - 1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
 - 2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
 - 3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
 - 4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of

preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;

5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. "Special event", for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;
6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term "family" shall mean any persons related within the first degree of consanguinity.

SECTION 370.230: ALTERING PASSENGER MOTOR VEHICLE BY RAISING FRONT OR REAR OF VEHICLE PROHIBITED, WHEN BUMPERS FRONT AND REAR REQUIRED, WHEN CERTAIN VEHICLES EXEMPT

- A. No person shall operate any passenger motor vehicle upon the public streets or highways of this Village, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.
- B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this Village shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24 inches	26 inches
4,501 lbs. through 7,500 lbs.	27 inches	29 inches
7,501 lbs. through 9,000 lbs.	28 inches	30 inches
9,001 lbs. through 11,500 lbs.	29 inches	31 inches

C. Any person knowingly violating the provisions of this Section is guilty of an ordinance violation.

SECTION 370.240: VEHICLE USED FOR COMMERCIAL PURPOSES

No person owning any automobile, automobile truck, wagon or other vehicle of any kind or character used for commercial purposes shall use such vehicle for commercial purposes upon the streets of this Village unless there shall be painted thereon in a conspicuous place a sign stating the name and address of the owner or owners thereof in letters at least three (3) inches high, provided said sign shall not be required upon automobiles or other vehicles used exclusively for conveyance of passengers. (Ord. No. 387 §6.2, 1-17-02)

CHAPTER 375: BICYCLES AND MOTORIZED BICYCLES

SECTION 375.010: BICYCLE AND MOTORIZED BICYCLE—DEFINED

As used in this Chapter, the following terms shall mean:

BICYCLE: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

MOTORIZED BICYCLE: Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

SECTION 375.020: BRAKES REQUIRED

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

SECTION 375.030: LIGHTS AND REFLECTORS—WHEN REQUIRED—STANDARDS TO BE MET

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with

National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

SECTION 375.040: RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE RIDERS

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

SECTION 375.050: RIDING TO RIGHT--REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES--MANDATORY USE OF BICYCLE PATH BY BICYCLISTS

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

SECTION 375.060: BICYCLE TO OPERATE ON THE SHOULDER ADJACENT TO ROADWAY, WHEN--ROADWAY DEFINED

- A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 375.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
- C. For purposes of this Section and Section 375.050, "roadway" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SECTION 375.070: BICYCLE REQUIRED TO GIVE HAND OR MECHANICAL SIGNALS

The operator of a bicycle shall signal as required in Section 340.180 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Section 340.180 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

SECTION 375.080: PENALTY FOR VIOLATION

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

SECTION 375.090: MOTORIZED BICYCLES--LICENSE REQUIRED

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this Village which has been designated as part of the Federal interstate highway system.
- C. Violation of this Section shall be deemed an ordinance violation.

SECTION 375.160: EQUIPMENT REQUIRED

No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

CHAPTER 380: LICENSING REQUIREMENTS

ARTICLE I. OPERATOR'S LICENSES

SECTION 380.010: DRIVING WHILE LICENSE SUSPENDED OR REVOKED

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 380.020: OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED—MOTORCYCLES—SPECIAL LICENSE

Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 380.040, to:

1. Operate any vehicle upon any highway in this Village unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.173, RSMo., in his/her possession;
2. Operate a motorcycle or motortricycle upon any highway of this Village unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;
5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or
6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 380.025: EFFECT OF REVOCATION—PENALTY

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010—302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010—302.540, RSMo. Violation of any provision of this Section is an ordinance violation and on conviction therefor a person shall be punished as prescribed by Section 302.331, RSMo.

SECTION 380.030: PROHIBITED USES OF LICENSE

It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;
8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

SECTION 380.040: EXEMPTIONS FROM LICENSE LAW

The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;
3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows—driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent—may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II. VEHICLE LICENSING**SECTION 380.050: STATE VEHICLE LICENSE PLATES REQUIRED**

No person shall operate or park any motor vehicle or trailer upon any street or highway of this Village unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this Village, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this Village, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

SECTION 380.055: REGISTRATION OF MOTOR VEHICLES OPERATED FOR FIRST TIME IN STATE

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State.

SECTION 380.060: METHOD OF DISPLAYING LICENSE PLATES

No motor vehicle or trailer shall be operated on any highway of this Village unless it shall have

displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motorbicycles and motor scooters shall be displayed on the rear of such vehicles with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

SECTION 380.070: UNAUTHORIZED PLATES, TAGS, STICKERS, SIGNS

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for" or words of similar import as a substitute for such regular plates or such placard.

SECTION 380.080: LICENSE PLATES ON VEHICLES DISPLAYED FOR SALE

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

SECTION 380.090: CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED VEHICLE

It shall be unlawful for any person to operate in this Village a motor vehicle or trailer required to be registered as provided by law unless a certificate of ownership has been applied for as provided in Section 301.190, RSMo.

SECTION 380.100: TRANSFER OF CERTIFICATE OF OWNERSHIP UPON SALE OF VEHICLE

It shall be unlawful for any person to buy or sell in this Village any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between

the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

SECTION 380.110: REMOVAL OF PLATES ON TRANSFER OF VEHICLE—USE BY PURCHASER

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

SECTION 380.120: SALE BY DEALER

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under Subsection (5) of Section 301.140, RSMo., and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents (\$10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

SECTION 380.130: FALSE INFORMATION BY DEALER

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III. FINANCIAL RESPONSIBILITY

SECTION 380.140: FINANCIAL RESPONSIBILITY REQUIRED

- A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this Village unless the owner maintains the financial responsibility as required in this

Section which conforms to the requirements of the laws of this State. No non-resident shall operate or permit another person to operate in this State a motor vehicle registered to such non-resident unless the non-resident maintains the financial responsibility which conforms to the requirements of the laws of the non-resident's State of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner or non-resident shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.

- B. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.
- C. Proof of financial responsibility may be shown by any of the following:
1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective date of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Plate" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.
 2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.
 3. A surety bond according to Section 303.230, RSMo.
- D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.
- E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.
- F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each and every violation.

**SECTION 380.150: DISPLAY OF FALSE EVIDENCE OF INSURANCE—PENALTY—
CONFISCATION OF FALSE EVIDENCE**

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

**SECTION 380.160: ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE
CARD**

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

CHAPTER 385: ABANDONED VEHICLES

SECTION 385.010: ABANDONED VEHICLES OR TRAILERS PROHIBITED

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway as set out in Section 217.020 of this Code.

State Law Reference—For similar provisions, §577.080, RSMo.

SECTION 385.020: OBSTRUCTING THE FLOW OF TRAFFIC PROHIBITED

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

State Law Reference—For similar provisions, §304.151, RSMo.

SECTION 385.022: TOWING OF ABANDONED PROPERTY ON PUBLIC REAL PROPERTY

A. Any Law Enforcement Officer, or an official of the Village where the Village's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right of way of:

- a. Any interstate highway or freeway in an urbanized area of the Village left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
- b. Any interstate highway or freeway outside of an urbanized area of the Village left unattended for twenty-four (24) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
- c. Any State highway, other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four (24) hours;

provided that commercial motor vehicles referred to in paragraphs (a--c) not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

- d. Any State highway, other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.

2. Any unattended abandoned property illegally left standing upon any highway or bridge if the

abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.

3. Any abandoned property which has been abandoned under Section 385.010 herein or Section 577.030, RSMo.
4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal.
6. Any abandoned property which due to any other State law or Village ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
7. Any abandoned property left unattended in violation of a State law or Village ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
8. Any abandoned property illegally left standing on the waters of this State as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten (10) hours or is floating loose on the water.
9. Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.
- E. When the Village Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- G. Any Village agency other than the Village Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the Village Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

State Law References—For similar provisions, §§304.155.1, 304.155.3, RSMo.

SECTION 385.040: GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 385.030 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, the Village Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement

computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the Village Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The Village Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the Village Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
 2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
 3. The license plate or registration number and the State of issuance, if available;
 4. The storage location of the towed property;
 5. The name, telephone number and address of the towing company;
 6. The date, place and reason for the towing of the abandoned property;
 7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the Village Police Department;
 8. The signature and printed name of the Law Enforcement Officer authorizing the tow;
 9. The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and
 10. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the Village Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems

appropriate. The Village Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

B. Notice To Owner/Tow Lien Claim. Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;
2. The date, reason and place from which the abandoned property was removed;
3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
4. A statement that the storage firm claims a possessory lien for all such charges;
5. A statement that the owner or holder of a valid and legal interest of record may retrieve possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to review the propriety of such towing or removal;
7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property, free of all prior liens; and
8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

C. Physical Search Of Property. In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "good faith effort" means that the following checks have been performed by the company to establish the prior State of registration and title:

1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;

2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of charge if available shown on the abandoned property at the time of removal.

I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, Village and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall

forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to this Section.

State Law References—For similar provisions, §§304.153.2—6, 304.153.11—12, 304.153.1, 304.153.3, 304.153.4, RSMo.

SECTION 385.050: MAXIMUM CHARGES

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed for charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter.
- B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the Village, and which are consistent with this Chapter and with Sections 304.134 to 304.137, RSMo. Any violation of such established maximum charges shall be deemed a violation of this Section of the Code, and shall be punishable pursuant to Section 100.130.
- C. A towing company may impose a charge of not more than one-half (1/2) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or the owner's agent pursuant to this Chapter if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

State Law References—For similar provisions, §§304.156.2, 304.156.6, 304.156.10, RSMo.

SECTION 385.060: SALE OF ABANDONED PROPERTY BY VILLAGE

When the Village has physical possession of the abandoned property, it may sell the abandoned property, in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the Village Clerk and sealed with the official Village Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property, if available, and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

State Law Reference—For similar provisions, §304.156, RSMo.

SCHEDULE I. SPEED LIMITS

In accordance with the provisions of Chapter 320, and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

<i>Street</i>	<i>Speed Limit</i>
Brown Road	30 mph
Midland Boulevard	35 mph

(Ord. No. 387 §§3.2—3.3, 1-17-02)

SCHEDULE II. STOP SIGNS

As authorized by and in accordance with Sections 335.020 and 335.030 of this Title, when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection or other location, designated herein, before proceeding.

Street/Direction of Traffic

Ashland Avenue and Lackland Road, a stop intersection for motor vehicles southbound on Ashland Avenue.

Graceland Avenue and Ashland Avenue, a three-way stop intersection for motor vehicles on Graceland or Ashland Avenue.

Graceland Avenue and Brown Road, a stop intersection for motor vehicles on Graceland Avenue.

Graceland Avenue and Hartland Avenue, a four-way stop intersection for motor vehicles on Graceland or Hartland Avenue.

Graceland Avenue and McKibbin Avenue, a stop intersection for vehicles on McKibbin Avenue.

Graceland Avenue and Northland and Marshall Avenues, a four-way stop intersection for motor vehicles on Graceland or Northland or Marshall Avenues. The stop signs for vehicles eastbound on Graceland shall be located at a point even with an extension of the western most pavement of Marshall Avenue and the stop sign for vehicles westbound on Graceland Avenue shall be located at a point even with an extension of the easternmost pavement of Northland Avenue.

Hartland Avenue and Midland Boulevard, a stop intersection for motor vehicles southbound on Hartland Avenue.

Northland Avenue and Midland Boulevard, stop intersection for motor vehicles southbound on Northland Avenue.

Oakland Avenue and Lackland, a stop intersection for motor vehicles on Oakland Avenue.

Sycamore Court and Brown Road, a stop intersection for motor vehicles on Sycamore Court.

Walton Road and Graceland Avenue, a three-way stop intersection for motor vehicles on Walton Road or Graceland Avenue.

Walton and Lackland Roads, a stop intersection for motor vehicles southbound on Walton Road.

(Ord. No. 387 §§4.1—4.13, 1-17-02; Ord. No. 409 §1(4.5), 3-16-06)

SCHEDULE III. PARKING RESTRICTIONS

As authorized by and in accordance with Section 355.010 of this Title, it shall be unlawful for the operator of a motor vehicle to stop, stand or park said motor vehicle at any one time or instance or location, as designated herein, except when necessary to avoid a conflict with the directions of a Police Officer or traffic control sign or signal.

Location

Brown Road, both sides, for a distance of one hundred seventy-five (175) feet north of the northern edge of Midland Boulevard.

Brown Road, both sides, from Midland Boulevard southward to the Village limits.

Graceland Avenue, both sides, for a distance of forty (40) feet east of the eastern edge of Brown Road.

Graceland Avenue, both sides, for a distance of forty (40) feet west of the western edge of Brown Road.

Graceland Avenue, north side, for a distance of two hundred eighty (280) feet east of the eastern edge of Marshall Avenue.

Marshall Avenue, east side, between the hours of 8:00 A.M. and 4:00 P.M., from Monday through Friday, inclusive, from Graceland Avenue northward to the Village limits.

McKibben Road, east side, from Graceland Avenue northward to the Village limits.

Northland Avenue, east side, for a distance of one hundred thirty eight (138) feet from that point where the north line of Midland Boulevard intersects the eastern line of Northland Avenue.

Northland Avenue, west side, for a distance of one hundred fifty (150) feet from that point where the north line of Midland Boulevard intersects the western line of Northland Avenue.

Walton Road, east side, from a point twenty-five (25) feet south of the intersection of the prolongation of the south curbline of Graceland Avenue with the east curb line of Walton Road, northward to the Village limits and on the west side of Walton Road from Graceland Avenue northward to the Village limits.

(Ord. No. 387 §5.1, 1-17-02; Ord. No. 404 §1(5.1.5), 11-13-04)

TITLE IV. LAND USE

CHAPTER 400: PLANNING AND ZONING COMMISSION

SECTION 400.010: COMPOSITION—TERMS—VACANCY—REMOVAL

There is hereby established within and for the Village a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Chairman, if the Chairman chooses to be a member; a member of the Board of Trustees selected by the Board, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Chairman and approved by the Board of Trustees. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Trustees may remove any citizen member for cause stated in writing and after public hearing.

SECTION 400.020: COMPENSATION

All citizen members of the Planning and Zoning Commission shall serve without compensation.

SECTION 400.030: OFFICERS

The Planning and Zoning Commission shall elect a Chairman from among the citizen members. The term of the Chairman shall be for one (1) year with eligibility for re-election.

SECTION 400.040: MEETINGS—RULES—RECORDS

The Planning and Zoning Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records.

SECTION 400.050: EXPENDITURES

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Trustees.

SECTION 400.060: DUTY OF PUBLIC OFFICIALS TO FURNISH

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

SECTION 400.070: GENERAL POWERS

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote Village planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Board as outlined in such Chapter.

CHAPTER 405: ZONING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: DEFINITIONS

For the purposes of this Chapter, certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "*building*" includes the word "*structure*" and the word "*shall*" is mandatory and not directory.

ACCESSORY BUILDING: A subordinate building or portion of main building the use of which is incidental of that of the main building.

BASEMENT: A story partly underground and having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if subdivided and used for dwelling or business purposes.

BUILDING: A structure having a roof supported by columns or walls.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation or the finished grade along the front of the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUSINESS: Includes the commercial uses and districts as herein defined.

CELLAR: A story having more than one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.

CORNER LOT: A lot situated at the junction of two (2) or more streets

DISTRICT: One (1) or more sections of the Village of Sycamore Hills for regulations governing the height, area and use of buildings and premises are the same.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively by one (1) family.

FAMILY: One (1) or more persons related by blood or marriage occupying a premises and living as a single housekeeping unit.

FRONT YARD: A yard extending across the front of the lot between the inner side yard lines and measured between:

1. The front line of the lot and front line of the building, and
2. The front line of the lot and the nearest line of any porch or paved terrace.

FRONTAGE: All the property abutting on one side of a street or placed between two (2) intersecting streets or places (crossing or terminating) measured along the line of the street or place or, if the street or place be a dead-end street, then all the property abutting on one side between an intersecting street or place and the dead-end of the street or place or if the street or place be intersected by the Village limits, then all the property abutting on one side between an intersecting street or place and the Village limits.

GARAGE, PRIVATE: A building with capacity for self-propelled vehicles for storage only.

GARAGE, PUBLIC: Any premises, except those described as a private garage, used for the storage or care of self-propelled vehicles.

GROUP HOME: Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HOME OCCUPATION: Any occupation in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in connection with which there is kept no stock in trade nor commodity sold upon the premises, no person employed other than a member of the immediate family residing in the premises and no mechanical equipment used except such as is permissible for purely domestic or household purposes.

INTERIOR LOT: A lot other than a corner lot.

LOT: Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this Chapter.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of St. Louis County.

NON-CONFORMING USE: A building or land occupied by a use that does not conform to the regulation of the use district in which it is situated.

PLACE: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

REAR YARD: A yard extending across the full width of the lot and between rear line of the lot and the rear of the building.

SIDE YARD: A yard between the building and the side line of the lot extending from the street line to the rear yard.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least three (3) opposite exterior walls are not more than three (3) feet above the floor of such story.

STREET: A thoroughfare which affords the principal means of access to abutting property.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof and exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

THROUGH LOT: An interior lot having frontage on two (2) parallel or approximately parallel streets or places.

YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein. (Ord. No. 19 §1, 4-12-45; Ord. No. 205 §§1-2, 10-10-78)

ARTICLE II. DISTRICTS AND DISTRICT REGULATIONS

SECTION 405.020: DESIGNATION OF DISTRICTS

- A. In order to regulate and restrict the location of trades and residences and the location of the buildings erected or altered for specified uses and to regulate and limit the height of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces and to regulate and limit the density of populations, the Village of Sycamore Hills is hereby divided into districts of which there shall be two (2) known as:

"A" Resident District.

"B" Commercial District.

- B. All parcels of real property located within the Village of Sycamore Hills are located within the "A" Resident District, unless such properties are specifically included in the "B" Commercial District by the terms of this Chapter or any amendment hereto. The following described parcels of real property are located within the "B" Commercial District:

Lot 16 of Sycamore Court, a subdivision in St. Louis County, Missouri, according to the plat hereof recorded in Plat Book 36 Page 47 of the St. Louis County Recorder's office.

So much of the following property as is located in the Village of Sycamore Hills: Lot 1 in Block 4 of Midland Heights, situated in U.S. Surveys 1912 and 1920, Township 46 North, Range 6 East in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 3 Page 57 of the St. Louis County Recorder's office.

The south 100 feet of Lot 43 in Block 8 of Laughlin's resubdivision of Laughlin's Addition to Sycamore Hills, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 6 Page 65 of the St. Louis County Recorder's office.

Lot 1 of Sycamore Court, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 36 Page 47 of the St. Louis County Recorder's office.

The northern part of Lot 43 in Block 8 of Laughlin's resubdivision of Laughlin's Addition to Sycamore Hills, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 6 Page 65 of the St. Louis County Recorder's office and described as follows: Beginning in the western line of Walton Road at the northeast corner of said Lot 43; thence southwardly along the western line of Walton Road 94.29 feet to the northeast corner of property conveyed to Warren Heidbreder and wife by deed recorded in Book 3220 Page 624; thence westwardly along the northern line of said property conveyed to Warren Heidbreder and wife 104 feet, more or less, to the western line of said Lot 43; thence northwardly along the western line of said Lot 43, 94 feet, more or less, to the northwest corner thereof said corner being in the southern line of an alley; and thence eastwardly along the southern line of said alley 104.02 feet to the point of beginning. Lots R, G and H of Campbell's resubdivision of Lot 9 and part of Lot 8 in Block 4 of Midland Heights as shown in the Recorder's office in St. Louis County, Missouri, fronting 143.20 feet more or less on the north side of Lackland Road by a depth of 141.64 feet. (Ord. No. 19 §2, 4-12-45; Ord. No. 184 §§1--2(1), 12-10-74)

SECTION 405.030: RESTRICTIONS

Except as herein provided:

1. No building shall be erected, converted, reconstructed or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
2. No building shall be erected, reconstructed or structurally altered to exceed the height then herein established for the district in which such building is located.
3. No building shall be erected, reconstructed or structurally altered so as to intrude upon the area required for the front, side and rear yards as herein established; provided further, that no yard or open space or an adjoining property shall be considered as providing a yard or open space for a lot upon which a building is to be erected.
4. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the area of any lot be reduced below the minimum requirements herein established.
5. No land dedicated for roadway purposes, either in a public or private street or place, shall be used as a yard or as any part of the required lot area prescribed in this Chapter.
6. No building shall hereafter be erected or structurally altered unless located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot except as hereinafter provided. (Ord. No. 19 §2, 4-12-45; Ord. No. 184 §2(2), 12-10-74)

SECTION 405.040: "A" RESIDENCE DISTRICT

In the "A" Residence District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided in this Chapter, except for one (1) or more of the following uses:

1. Single-family dwellings.
2. Accessory buildings and uses customarily incident to the above use not involving the conduct of a business, including one (1) private garage.
3. The use of any dwelling or part thereof by the owner or occupant of such dwelling for the practice of his/her profession as attorney at law, physician, surgeon, dentist, artist or architect or the use of any dwelling or part thereof by the owner or occupant of such dwelling for a home occupation, provided that any home occupation conducted on the premises is performed exclusively within the confines of the dwelling.
4. Signs or nameplates which signify the name of the occupant or the names of the occupants or the address of the premises or said name or names together with the address of the premises and signs or nameplates which signify a use of the premises by an attorney at law, physician, surgeon, dentist, artist or architect; provided however, that no such sign or nameplate shall exceed one-half ($\frac{1}{2}$) of one (1) square foot or seventy-two (72) square inches in area and shall not be an electric or neon sign and if illuminated by an electric light, said light shall be adequately shaded; further provided, that no billboard or sign of a larger size or of any other character shall be permitted in the "A" District.
5. Public schools, elementary or high, or private schools having a curriculum similar to a public elementary or high school and having no rooms regularly used for housing and sleeping rooms.
6. Churches.
7. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
8. A sign advertising that the property is for sale, lease or exchange by the owner or his/her agent, which sign may include the owner's or agent's names and the owner's or agent's address and telephone number and which sign shall further comply with the following requirements:
 - a. Only one (1) sign may be erected on a subject property.
 - b. The facing of a sign shall not be more than six (6) square feet in area with two (2) facings.
 - c. The maximum height of such sign shall not be more than five (5) feet above ground level and there shall not be more than two (2) supporting poles for the sign, such supporting poles not to exceed four (4) inches by four (4) inches in pole sides.
 - d. No such sign shall be placed on any easement or public right-of-way, but must be located on the real property offered for sale, lease or exchange, but not on, affixed or attached to any building or structure on such real property.
 - e. Any such sign must be removed by the real property owner, if the property is sold without an agent or by the real property owner or the agent, if the property is sold through an agent, within twenty-four (24) hours of the sale, lease or exchange of such real property.

- f. The only advertising permitted on such sign is language indicating that the property is for sale, lease or exchange; no additions or attachments indicating that the property has been sold, leased or exchanged is permitted.
- g. Prior to erecting such sign, the owner or agent shall obtain a permit for the erection of such sign from the Building Commissioner or Health Commissioner of the Village of Sycamore Hills.
- h. A permit shall be issued pursuant to Subparagraph (i) hereof to the owner or agent following an inspection and the issuance of a certificate of compliance in accordance with Chapter 510 of this Code or any amendment thereof. The Building Commissioner or Health Commissioner may issue a permit pursuant to Subparagraph (j) hereof following an inspection of the property and prior to the issuance of a certificate of compliance, if any violation of Chapter 510 of this Code or any amendment thereof is identified by said inspection.
- i. The permit issued pursuant to this Subparagraph (i) shall be affixed to said sign and shall contain a statement that a certificate of compliance has been issued with respect to the property and that a certificate of occupancy must be obtained prior to any person occupying said property. The permit shall specify the address of the property for which the permit is issued and the date of issuance. The permit shall expire upon the sale, lease or exchange of said property or ninety (90) days after the issuance of the permit or the revocation of the certificate of compliance, whichever first occurs.
- j. The permit issued pursuant to this Subparagraph (j) shall be affixed to said sign and shall contain a statement that a certificate of compliance has not been issued with respect to the property because of one (1) or more violations of Chapter 510 of this Code or any amendment thereof and that a certificate of compliance and a certificate of occupancy must be obtained prior to any person occupying said property. The permit shall specify the address of the property for which the permit is issued and the date of issuance. The permit shall expire upon the sale, lease or exchange of said property or ninety (90) days after the issuance of the permit, whichever first occurs.
- k. Any permit issued pursuant to Subparagraphs (i) or (j) hereof, which shall expire as a result of lapse of time, shall be renewed for one additional ninety (90) day period upon the owner or agent representing, in writing, that the property has not been sold, leased or exchanged and that no material alteration has been made to any structures on the property. No second (2nd) extension shall be granted except upon reinspection of the property pursuant to Chapter 510 of this Code or any amendment thereof.
- l. With respect to any permit issued pursuant to Subparagraph (j) hereof, the owner or agent may, at any time, request a reinspection of said property for the purpose of obtaining a certificate of compliance. In the event said certificate of compliance is issued, a permit pursuant to Subparagraph (i) shall be promptly issued.
- m. Every person, corporation, partnership, limited partnership or similar entity violating any of the provisions of this Subsection (7) shall be punished in accordance with the provisions of Section 405.140 of this Chapter.
- n. No person or the agent, servant or employee thereof shall erect, maintain or place or cause

to be erected, maintained or placed a sign or signs on a parcel of real estate advertising or offering such parcel of real estate for sale or for lease without setting forth, in letters at least two (2) inches in height, on such sign so erected, maintained or placed the use restrictions under the Zoning Ordinance, Chapter 405, as amended, in which such parcel of real estate is located. (Ord. No. 19 §3, 4-12-45; Ord. No. 164 §§1—3, 9-14-71; Ord. No. 279 §18-57, 11-10-87; Ord. No. 286 §1, 6-13-89; Ord. No. 302 §§1—2, 10-9-90)

SECTION 405.050: "B" COMMERCIAL DISTRICT

In the "B" Commercial District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided in this Chapter, except for one (1) or more of the following uses:

1. Any use permitted in "A" Residence District.
2. Bakery whose products are sold only at retail on the premises.
3. Offices.
4. Restaurants, provided however, that the term "*restaurant*" shall not include hamburger stands, hot dog stands or barbecue stands.
5. Sales or show room.
6. Store or shop for the conduct of a retail business, provided that the following shall not be considered "the conduct of a retail business": operation of a pool room, dance hall, bar, lounge or hot dog stands and soft drink stands.
7. Post office.
8. Bank.
9. Business or commercial school.
10. Shoe repair shop.
11. Tailor shop.
12. Tire repair shop.
13. Electric repair shop.
14. Messenger or telegraph service station.
15. Millinery shop.
16. Painting and decorating shop.
17. A garage used for the storage of automobiles used in connection with the occupier's business

and other uses customarily incident to the above uses including signs and bulletin boards not exceeding sixteen (16) square feet in area pertaining to the lease, hire or sale of a building or premises or to the advertisement of the business or any product sold on the premises; provided however, that no billboard or sign of a larger size or of any other character shall be permitted in the "B" District.

18. A dwelling above a commercial building shall not be permitted.

Any building used primarily for any of the above enumerated purposes may have not more than forty percent (40%) of the floor area devoted to accessory purposes incidental to such primary use.

Any commercial building hereafter erected shall provide off-street parking space in the ratio of space for one (1) car for every two hundred (200) feet of floor space. (Ord. No. 19 §4, 4-12-43)

ARTICLE III. SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 405.060: HEIGHT AND AREA REGULATIONS

A. *"A" Residence District.* In the "A" Residence District, the height of buildings, the minimum dimensions of yards and minimum lot area shall be as follows:

1. *Height.* No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet.
2. *Front yard.* There shall be a front yard of not less than thirty (30) feet to the front line of the building and not less than twenty (20) feet to the front line of an open porch or paved terrace, provided however, that where lots comprising forty percent (40%) or more of the frontage are developed with buildings having an average front yard with a variation of not more than five (5) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; provided further, that this regulation shall not be so interpreted as to require a front yard of more than sixty (60) feet.
3. *Rear yard.*
 - a. There shall be a rear yard having a depth of not less than forty (40) feet or forty percent (40%) of the depth of the lot, whichever amount is the larger. Accessory buildings hereinafter erected or structurally altered may occupy not more than twenty percent (20%) of the area of required yard.
 - b. The front of every accessory building shall be erected on a line parallel to and thirty (30) feet from the rear lot line, provided that where lots comprising forty percent (40%) or more of the frontage are developed with accessory building hereafter erected or structurally altered shall be so erected that the front thereof shall conform with the average of the accessory building already erected.
4. *Side yard.* On interior lots there shall be a side yard on each side of the building having a width of not less than ten percent (10%) of the width of the lot, provided such side yards shall not be less than five (5) feet in width. The above regulations apply to all lots including corner

lots and in the case of reversed corner lots which face an intersecting street or place, the side yard of any building erected hereafter on said lot shall not be less than twenty (20) feet and where the average of forty percent (40%) or more of the frontage of said street is developed with buildings having an average front yard greater than twenty (20) feet, the building and accessory building shall not project beyond the front yard lines of the lots to the rear of the said corner lot; and provided further, that the front yard of such building on a reversed corner lot shall be fifteen (15) feet to the front line of the building and not less than five (5) feet to the front line of an open porch or terrace; provided further, that the rear yard of such reversed lot shall not be more than twelve (12) feet or less than five (5) feet.

5. *Lot area per family.* In the "A" Residential District, every single-family dwelling hereafter erected or structurally altered shall provide a lot area of not less than six thousand (6,000) square feet per family.

Provided however, that these provisions shall not be interpreted as to preclude the provision for domestic servants employed and living on the premises and provided that a lot of record of the time of the passage of this Chapter may be used for the erection of one (1) single-family home.

- B. *"B" Commercial District.* In the "B" Commercial District the height of buildings, the minimum dimensions of yards, and the minimum lot area per family shall be as follows: provided however, that buildings erected for single-family dwelling purposes shall comply with the rear and side yard regulations of the "A" Residence District.

1. *Height.* No building hereafter erected or structurally altered shall exceed two and one-half (2½) stories, or thirty-five (35) feet.
2. *Front yard.* There shall be a front yard of not less than thirty (30) feet to the front line of the building and not less than twenty (20) feet to the front line of an open porch or paved terrace, provided however, that where lots comprising forty percent (40%) or more of the frontage are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; provided further, that this regulation shall not be so interpreted as to require a front yard of more than sixty (60) feet.
3. *Rear yard.* There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, accessory buildings hereafter erected or structurally altered may occupy not more than thirty percent (30%) of the area of the required yard, provided however, that no accessory building shall be located within five (5) feet of any lot line.
4. *Side yard.*
 - a. Where a lot abuts upon the side of a lot zoned for a single-family dwelling purpose or abuts upon the side of a lot upon which there was erected a dwelling at the time of the enactment of this ordinance (4-12-45), or abuts upon a public street, there shall be a side yard of not less than seven (7) feet.
 - b. Where a corner lot rears upon a lot zoned for dwelling purposes, the side yard regulations on that side bordering the street shall be the same as those required in "A" Residence District.

- c. Where a reversed corner lot faces an intersecting street or place, the side yard of a building on said lot bordering on a street shall not be less than twenty (20) feet, provided however, that where the average of forth percent (40%) or more of the frontage of said street is developed with buildings, the average depth of the front yards shall apply, and provided however, that the front yard shall not be less than six (6) feet or more than twelve (12) feet.

5. *Lot area per family.* In the "B" Commercial District every single-family dwelling hereafter erected or structurally altered shall provide a lot area of not less than six thousand (6,000) square feet per family.

C. *Height And Area Exceptions.*

1. *Height.* Public and semi-public buildings, schools and institutions may be erected to a height not exceeding three (3) stories or fifty (50) feet, provided that the front, side and rear yards are increased an additional two (2) feet for each foot such buildings exceed the height limitations of the district in which they are located.
2. *Area.* Every part of required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt course, cornices, buttresses, ornamental features, and eaves; provided however, that none of the above projections shall extend into a minimum side yard more than twenty-four (24) inches. (Ord. No. 19 §§6—8, 4-12-12)

ARTICLE IV. PARKING REGULATIONS

SECTION 405.090: PARKING, STORING AND USE OF TRAILERS

A. *Definitions.* As used herein, the following words and terms are defined as follows:

ENCLOSED TRAILER: A trailer built or equipped with a roof and four (4) walls, including a wall consisting exclusively of a door.

REAR YARD: That portion of the lot or parcel of land used for residential purposes extending across the full width of the lot or parcel and measured between the rear line of the lot and the rear of the residential structure or building. On a corner lot, the rear yard shall exclude that portion of the width of the lot or parcel measured between the street and the corner of the residential structure or building nearest that street.

TRAILER: A vehicular unit mounted on wheels without motive power, designed to carry property or passengers on its own structure and for being drawn or propelled by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include house car trailers as described in Section 210.710 of this Code or manufactured homes as defined in Section 700.010, RSMo.

B. *Parking And Storing Of Trailers.* It shall be unlawful for the operator of a trailer to park or store such vehicle or for any person to permit the parking or storing of such vehicle upon any lot or parcel

of land owned or occupied by such person within the Village of Sycamore Hills unless said trailer is parked or stored on a lot or parcel of land occupied by the owner or operator of the trailer, is parked or stored on a paved surface in the rear yard of such lot or parcel of land and is parked stored no closer than ten (10) feet from any residential structure. Notwithstanding the foregoing, a trailer may be temporarily parked for not more than seventy-two (72) hours, solely for the purpose of loading or unloading furniture and similar household goods from or onto said trailer. Provided further, that no more than one (1) trailer may be parked or stored on any lot or parcel of land within the Village.

- C. *Securing Enclosed Trailers.* It shall be the duty of the owner of any enclosed trailer located within the Village of Sycamore Hills to secure said trailer when not in use by locking all doors and means of ingress and egress to said trailer. An enclosed trailer shall be deemed to be not in use during any period in excess of two (2) hours during which the owner or operator of said trailer is not actively engaged in loading or unloading said trailer.
- D. *Compliance With Other Ordinances.* Nothing herein shall be deemed to exclude or exempt trailers from the requirements, prohibitions or provisions of any ordinance of the Village of Sycamore Hills unless expressly stated herein. (Ord. No. 403 §§1—5, 9-16-04)

SECTION 405.080: PARKING, STORING AND USE OF RECREATIONAL VEHICLES

- A. *Definitions.* As used herein, the following words and terms are defined as follows:

REAR YARD: That portion of the lot or parcel of land extending across the full width of the lot or parcel and measured between the rear line of the lot and the rear of the residential structure or building. On a corner lot, the rear yard shall exclude that portion of the width of the lot or parcel measured between the street and the corner of the residential structure or building adjacent that street.

RECREATIONAL VEHICLE: A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and containing built-in toilet and kitchen unit, or fixtures.

- B. Notwithstanding the provisions of Section 210.710 of this Code, a recreational vehicle conforming with the provisions of this Section may be parked or stored within the limits of the Village.
- C. *Parking And Storing Of Recreational Vehicles.* It shall be unlawful for the operator of a recreational vehicle to park or store such vehicle or for any person to permit the parking or storing of such vehicle upon any lot or parcel of land owned or occupied by such person within the Village of Sycamore Hills unless said recreational vehicle is parked or stored on a lot or parcel of land occupied by the owner or operator of the recreational vehicle, is parked or stored in the rear yard of such lot or parcel of land and is parked or stored no closer than ten (10) feet from any residential structure. Notwithstanding the foregoing, said recreational vehicle may be temporarily parked for not more than thirty (30) minutes, solely for the purpose of loading or unloading said recreational vehicle, provided that said recreational vehicle is no closer than ten (10) feet from the paved portion of any street in this Village. Provided further, that no more than one (1) recreational vehicle may be parked or stored on any lot or parcel of land within the Village.
- D. *Securing Recreational Vehicles.* It shall be the duty of the owner of any recreational vehicle located within the Village of Sycamore Hills to secure said recreational vehicle when not in use by locking

all doors, windows and means of ingress and egress to said recreational vehicle. A recreational vehicle shall be deemed to be not in use at any time between the hours of 9:00 P.M. and 6:00 A.M., whether said recreational vehicle is occupied or vacant.

- D. *Use As Residential Quarters Prohibited.* It shall be unlawful for the owner of any recreational vehicle to use or permit the use of said recreational vehicle as a residence or dwelling unit or temporary dwelling unit with the Village of Sycamore Hills. Such prohibited use shall be deemed to have occurred upon a finding that said recreational vehicle, while located within the Village, was occupied for two (2) consecutive nights between the hours of 9:00 P.M. and 6:00 A.M. Each consecutive night thereafter said use continues shall be deemed a separate occurrence for the purpose of Subsection (C) hereof.
- E. *Compliance With Other Ordinances.* Nothing herein shall be deemed to exclude or exempt recreational vehicles from the requirements, prohibitions or provisions of any ordinance of the Village of Sycamore Hills unless expressly stated herein. (Ord. No. 295 §§1-6, 7-10-90)

ARTICLE V. NON-CONFORMING USES

SECTION 405.090: NON-CONFORMING USES

- A. The lawful use of land, buildings and structures existing at the time of the adoption of this Chapter may be continued, although such does not conform to the provisions hereof, but if such non-conforming use is discontinued, any use in the future of such premises shall be in conformity with the provisions of this Chapter.
- B. The lawful use of a building existing at the time of the adoption of this Chapter may be continued, although such use does not conform with the provisions hereof and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall be also applied to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- C. No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than seventy-five percent (75%) of its reasonable value, shall be restored except in conformity with the regulations of this Chapter. (Ord. No. 19 §8, 4-12-45)

ARTICLE VI. BOARD OF ADJUSTMENT

SECTION 405.100: BOARD OF ADJUSTMENT

A. *Establishment—Chairman.*

1. A Board of Adjustment is hereby established. The word "Board", when used in this Section,

shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be residents appointed by the Board of Trustees. The term of office of the members of the Board of Adjustment shall be five (5) years, excepting that the five (5) members first (1st) appointed shall serve respectively for terms of one (1) year, two (2) years, three (3) years, four (4) years and five (5) years; thereafter, members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Board of Trustees upon written charges and after public hearing.

2. The Board shall elect its own Chairman who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.

B. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for the purpose.

C. *Appeals.*

1. Appeals to the Board may be taken by any person aggrieved or any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the Village of Sycamore Hills affected by any decision of the Building Commissioner. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Building Commissioner and with the Board a notice of appeal specifying the grounds thereof. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
2. An appeal stays all proceedings of the action appealed from, unless the Building Commissioner certifies to the Board after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Building Commissioner and on due cause shown.
3. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

D. *Board's Powers In Hearing Appeals.*

1. The Board shall have the following powers:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this Chapter.

- b. To hear and decide all matters referred to it or upon which it is required to pass under this Chapter.
 - c. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Chapter, to vary or modify this application of any of the regulations or provisions of this Chapter relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the Chapter shall be observed, public safety and welfare secured and substantial justice done.
2. In exercising the above mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Building Commissioner.
 3. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter or to effect any variation in this Chapter.
 4. Any person or any neighborhood organization as defined in Section 22.105, RSMo, representing such person, or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of St. Louis County, Missouri, a petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
 5. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon petitioner's attorney, which shall be not less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, enjoin the Board and on due cause shown, grant a restraining order.
 6. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
 7. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. (Ord. No. 19 §9, 4-12-45)

ARTICLE VII. PERMITS**SECTION 405.110: CONSTRUCTION AND OCCUPANCY PERMITS**

- A. *Building Permits.* No building shall hereafter be erected, reconstructed or structurally altered nor shall any work be started on same until a construction permit for same has been issued by the Building Commissioner of the Village, which permit shall state that the proposed building complies with all the provisions of the ordinance.
- B. *Certificate Of Occupancy.* No vacant land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building Commissioner of the Village.
- C. *Certificate Of Occupancy For A Building.*
1. Certificate of occupancy for a new building, the reconstruction or alteration of an existing building shall be applied for prior to the commencement of the excavation of the lot for a foundation for a building or prior to the commencement of the erection or construction of a building. Said application shall be in writing and the certificate be issued within three (3) days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations.
 2. Pending the issuance of a regular certificate, temporary certificate of occupancy may be issued by the Building Commissioner of the Village for a period not exceeding one (1) year during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed in any way as altering the respective rights, duties or obligations of the owners or of the Village relating to the use or the occupancy of the premises or any other matter covered by this Chapter and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- D. *Certificate Of Occupancy Of Land.*
1. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provision of these regulations.
 2. Certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of those regulations.
 3. A record of all certificates of occupancy shall be kept on file with the Clerk of the Village and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy. (Ord. No. 19 §10, 4-12-45)

ARTICLE VIII. PLATS

SECTION 405.120: PLATS

Applications for building permits and certificates of occupancy shall be accompanied by a drawing or plat, in duplicate, showing the plan, the location of the building on the lot, accurate dimensions of building and lot and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of the original copy of such application and plats shall be kept in the office of the Village Clerk. (Ord. No. 19 §11, 4-12-45)

ARTICLE IX. CHANGES AND AMENDMENTS

SECTION 405.130: CHANGES AND AMENDMENTS

The Board of Trustees may from time to time, on its own motion or on petition after at least 30 (30) days' notice and hearings as provided by law, amend, supplement or change, modify or repeal the boundaries or regulations herein or subsequently established after submitting same to the Zoning Commission for its recommendations and report. (Ord. No. 19 §12, 4-12-45)

ARTICLE X. ENFORCEMENT

SECTION 405.140: ENFORCEMENT, VIOLATIONS AND PENALTY

- A. It shall be the duty of the Building Commissioner of the Village to enforce this Chapter.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the owner or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. (Ord. No. 19 §13, 4-12-45)

CHAPTER 410: FENCE REGULATIONS

SECTION 410.010: DEFINITIONS

As used herein, the following words and terms are defined as follows:

FENCE: An independent structure forming a barrier at grade between lots, between a lot and a street or a lot and an alley or between portions of a lot or lots, including any wall or lattice work screen used as a barrier; provided however, that said term shall not include a hedge or other natural growth or a barrier eighteen (18) inches or less in height which is used to protect plant growth.

OPEN FENCE: A fence having more than seventy-five percent (75%) of the vertical surface not open when viewed perpendicular to the vertical surface.

PRIVACY FENCE: A fence having seventy-five percent (75%) or less of the vertical surface area open when viewed perpendicular to the vertical surface. (Ord. No. 313 §§1--2, 1-12-93)

SECTION 410.020: FENCES SUBJECT TO CHAPTER

- A. Any fence hereafter constructed, erected, installed, affixed, replaced, repaired or modified upon any lot or lots within the Village of Sycamore Hills shall conform with the requirements of this Chapter relating to the construction of fences; provided however, that any repairs not constituting the replacement of ten percent (10%) or more of the components of said fence within a period of twelve (12) consecutive months shall not be deemed repairs for the purpose of this Chapter.
- B. Any fence now existing or hereafter constructed, erected, installed, affixed, replaced, repaired or modified shall be subject to the provisions of this Chapter relating to maintenance of fences.
- C. Any fence now existing upon any lot or lots within the Village of Sycamore Hills shall, upon a transfer or change of ownership or of occupancy of said lot or lots, conform with the requirements of Section 410.030 (A--C) and (3) of this Chapter, which conformity shall be a requirement for the issuance of a certificate of compliance pursuant to Chapter 510 of this Code, as amended. Any repair, replacement or modification required by this Subsection shall conform to those requirements applicable to new construction under Section 410.030(A) hereof. (Ord. No. 313 §3, 1-12-93)

SECTION 410.030: HEIGHT, LOCATION AND CONSTRUCTION

- A. Any open fence within the Village of Sycamore Hills shall be not more than seven (7) feet in height, measured from the highest point on such fence along the line running from such point perpendicular to the ground.
- B. Except as provided in Subsection (C) herein, any privacy fence within the Village of Sycamore Hills shall be not more than six (6) feet in height, measured from the highest point on such fence along the line running from such point perpendicular to the ground.
- C. Any privacy fence along the property line dividing a lot zoned residential pursuant to Chapter 405 of this Code or any amendment thereof from a lot or lots zoned commercial pursuant to Chapter 405

of this Code or any amendment thereof shall be not more than seven (7) feet in height, measured from the highest point on such fence along the line running from such point perpendicular to the ground.

D. Any fence within the Village of Sycamore Hills shall be constructed of wood, metal, stone, brick or a combination of the aforesaid materials. Said fence shall be of sturdy, durable construction and shall conform with the following minimum standards:

1. Metal used in such fence shall be of a type which is not subject to rust or corrosion or shall be painted or otherwise treated in such a manner that it shall not be subject to rust or corrosion. Wood used in such fence shall be painted or otherwise treated in such a manner that the same shall not be subject to rot, termite infestation or decay.
2. All posts, poles, studs, braces or other support structures shall be located within the enclosed portion of the fence. All posts, poles or similar support shall extend no less than two (2) feet below the ground. All corner, end and gate posts or poles shall, in addition, be set in concrete at least six (6) inches in depth.
3. A privacy fence shall be supported by metal or wooden posts set not more than eight (8) feet apart. Wooden posts must be nominal four by four (4x4) braced and metal post must be two and one half (2 1/2) inches in diameter.
4. An open fence shall be supported by metal posts set not more than ten (10) feet apart or wooden posts set not more than eight (8) feet apart. Wooden posts must be nominal four by four (4x4) inch lumber. Metal corner, gate and end posts shall be not less than one and five-eighths (1 5/8) inches in diameter for fences up to forty-two (42) inches, two (2) inches in diameter for fences from forty-two (42) to seventy-two (72) inches and two and one half (2 1/2) inches in diameter for fences above seventy-two (72) inches in height. Metal line posts shall be not less than one and three-eighths (1 3/8) inches in diameter for fences up to forty-two (42) inches, one and five-eighths (1 5/8) inches in diameter for fences from forty-two (42) to seventy-two (72) inches and two (2) inches in diameter for fences above seventy-two (72) inches in height.
5. Privacy fences shall have both top and bottom rails. The top rail shall be not more than six (6) inches below the top edge of the fence and the bottom rail shall be not more than eight (8) inches above the bottom edge of the fence.
6. Open fences shall have the top rail connecting the supporting posts and set not more than three (3) inches below the top edge of the fence. In metal fences, if a bottom rail is used, it shall be set not more than six (6) inches above the bottom of the fence and, if a bottom rail is not used, a tension wire shall be strung not more than six (6) inches above the bottom of the fence through the fencing and attached to each post.
7. No fence containing or constructed of barbed wire, utility wire or poultry wire shall be permitted within the Village of Sycamore Hills.
8. Decorative and ornamental fences which otherwise meet all requirements of this Chapter, but do not have straight line construction between supporting post shall be permitted, provided said fence is determined to be of structurally sound construction at least equivalent to the standards set forth herein.

- E. Any fence hereafter constructed, erected, installed, affixed or replaced shall be located on the property lines of the back yard of the lot. Any fence now existing or hereafter constructed, erected, installed, affixed, replaced, repaired or modified shall not extend beyond the rear of the house, building or other structure situated on the lot; provided however, that a fence may be constructed along the side line of a lot on which a house is located which has a side entrance and no rear entrance, so long as said portion of the fence along the side of the house does not extend beyond said side entrance and so long as said fence along the side line of the lot is at least five (5) feet distant from any adjoining residential structure. A privacy fence shall not be constructed between the house line and either side line of a lot so as to prevent the interior of a lot from being viewed from the street nearest the front of the house. (Ord. No. 313 §4, 1-12-93)

SECTION 410.040: PERMIT APPLICATION AND FEE

- A. No person, firm, corporation or other entity shall hereafter construct, erect, install, affix, repair or modify any fence on any lot or lots within the Village of Sycamore Hills without having first obtained from the Building Commissioner of said Village a permit for such construction, erection, installation, affixation, repair or modification.
- B. Any person, corporation, firm or other entity desiring to construct, erect, install, affix or modify any fence upon any lot or lots within the Village of Sycamore Hills shall first submit to the Building Commissioner an application for a permit therefor, which application shall state:
1. The proposed location or locations upon which such fence is desired;
 2. Whether such fence is an open fence or a privacy fence;
 3. The height of such proposed fence upon completion;
 4. The materials to be used in such fence;
 5. A diagram or drawing adequately depicting the proposed fence upon completion; and
 6. A statement that such fence will conform to the requirements of this and any other applicable ordinances of the Village of Sycamore Hills. Such applications shall be accompanied by a fee in the amount of five dollars (\$5.00).
- C. Any person, corporation, firm or other entity desiring to repair any fence upon any lot or lots within the Village of Sycamore Hills shall first submit to the Building Commissioner an application for a permit therefor, which application shall state:
1. The location or locations upon which such fence is erected;
 2. Whether such fence is an open fence or a privacy fence;
 3. The height of such fence;
 4. The materials used in such fence;
 5. A description of the proposed repairs to be made to such fence; and

6. A statement that such fence will conform to the requirements of this and any other applicable ordinances of the Village of Sycamore Hills upon the completion of the repairs. A fee of five dollars (\$5.00) shall accompany such application or permit.
- D. Notwithstanding the provisions of Subsection (C) hereof, no permit shall be required for the repair of a fence now or hereafter existing within the Village of Sycamore Hills, if, prior to and after completion of such repairs, the classification of such fence, the height of such fence, the materials used in the construction of such fence and the location of such fence is in conformity with the provisions of Section 410.030 hereof.
- E. Upon receipt of the application described in Subsections (B) and (C) hereof, together with any fee required thereby, the Building Commissioner shall issue a permit for the construction, modification or repair of such fence if the Building Commissioner is satisfied that such fence will conform with this Chapter and other applicable ordinances of the Village of Sycamore Hills. (Ord. No. 212 §6, 1-12-93)

SECTION 410.650: MAINTENANCE OF FENCES, INSPECTIONS AND NOTICE OF VIOLATION

- A. Any person, firm, corporation or other entity owning or occupying a lot or lots within the Village of Sycamore Hills, upon which a fence is now or may hereafter be erected, shall keep the same in good condition and repair including, but not limited to:
 1. Any metal contained in such fence shall be painted or treated so that such metal shall not be subject to corrosion;
 2. Any wood contained in such fence shall be painted or treated so that such wood shall not be subject to rot, termites, fungus or decay;
 3. All fences shall be constructed and maintained so that no portion of such fence shall become buckled to such an extent that a plumb line passing through the center of gravity falls outside of the lower half of said fence;
 4. All fences shall be kept free of weeds and grasses exceeding eight (8) inches in height, debris, litter, rubbish and all other materials which may constitute a hazard to the public health or safety.
- B. The Building Commissioner may inspect or cause to be inspected as often as may be necessary any fences now or hereafter erected within the Village of Sycamore Hills for the purpose of determining whether said fence is or may be existing or maintained in violation of this Chapter and may, for the purpose of said inspection, enter upon a lot within the Village of Sycamore Hills and no owner or occupant of such lot shall deny access for the purpose of inspection to the Building Commissioner or his/her designated agent upon proper identification by the Building Commissioner or the designated agent.
- C. If the Building Commissioner determines that a fence has been erected or maintained in violation of this Chapter or any amendment hereto, the Building Commissioner shall notify in writing the owner and/or occupant of the lot or lots within the Village of Sycamore Hills upon which a fence is now or hereafter erected or maintained in violation of this Chapter, which notice shall set forth:

1. A description of the condition sufficient to apprise the owner and/or occupant of the nature of the violation,
 2. A reasonable time within which such violation shall be abated,
 3. The fine which may be imposed pursuant to Section 410.070 of this Chapter for such violation, and
 4. The right of the owner and/or occupant to appeal the decision of the Building Commissioner to the Health Commissioner. Upon application to the Building Commissioner by the owner and/or occupant of the lot and for cause shown, the Building Commissioner may, upon such terms and conditions as the Building Commissioner shall deem reasonable and appropriate, extend the time within which the owner and/or occupant may abate the violation set forth in the notice.
- D. Any owner and/or occupant of a lot or lots within the Village of Sycamore Hill's failing to abate the violation within the time set forth in the notice or in the extension thereof shall be punishable by a fine as set forth in Section 410.070 of this Chapter. Such owner and/or occupant shall be deemed to have received such notice if it was served either by personal service or by certified mail, return receipt requested. (Ord. No. 313 §6, 1-12-93; Ord. No. 357 §§1-2, 8-11-98)

SECTION 410.060: APPEALS

- A. Any person aggrieved by a decision of the Building Commissioner pursuant to this Chapter may appeal to the Health Commissioner. Such appeal shall be taken within ten (10) days of the date of the decision by filing with the Building Commissioner and with the Health Commissioner a written notice of appeal specifying the grounds thereof. Said notice of appeal shall say the decision of the Building Commissioner and any proceedings relating thereto until the decision of the Health Commissioner has been rendered.
- B. Within thirty (30) days after receipt of a notice of appeal, the Health Commissioner shall designate a date, time and place for an informal hearing and shall give written notice of such informal hearing, at least ten (10) days in advance thereof, to the person filing the appeal, the Building Commissioner and to the owner and/or occupant of the property and of any lot or lots adjoining the property at issue in such appeal.
- C. Such informal hearing on the appeal shall be conducted within sixty (60) days following the filing of the notice of appeal. At such informal hearing, the Health Commissioner shall designate the order in which evidence or arguments shall be offered by the parties present, may impose reasonable time limits for each parties presentation and may continue the hearing from time to time thereafter, but not to exceed fifteen (15) days. Thereafter and within thirty (30) days, the Health Commissioner shall enter written findings of fact and orders and shall mail a copy of such findings of fact and orders to each party present at the informal hearing of such appeal.
- D. The Health Commissioner shall have the power to approve the use of alternate materials and types of construction whenever, in any specific case, the Health Commissioner shall find and determine that the application of the provisions of this Chapter constitute an undue hardship and may authorize reasonable variance from the literal provisions of this Chapter where it is determined that such variance is at least the equivalent of that prescribed in this Chapter with respect to quality, strength,

durability, esthetics and safety. All rulings and actions of the Health Commissioner with respect to such appeal shall be consistent with the spirit and intent of this Chapter with respect to public safety and welfare.

- B. Within thirty (30) days after entry of the order of the Health Commissioner, the owner and/or occupant of any lot or lots affected thereby shall comply with the requirements of said order and this Chapter. The Building Commissioner or Health Commissioner may, for good cause shown, extend the time for such compliance, but no such extension shall affect the finality of the order.
- C. Any person aggrieved by the order of the Health Commissioner may appeal to the Board of Adjustment. Such appeal shall be taken within thirty (30) days after entry of the order of the Health Commissioner by serving a written notice of appeal on the Health Commissioner. Said notice of appeal shall state, in addition, the nature of the order or orders of the Health Commissioner from which the appeal is taken, the relief sought by the aggrieved person and the grounds therefor and the undertaking of the appellant person to bear the costs of such appeal, not to exceed the amount of two hundred dollars (\$200.00). Each notice of appeal shall be accompanied by a fee of fifty dollars (\$50.00) to be applied to the costs of such appeal. Said notice of appeal and cost deposit shall stay the decision of the Health Commissioner and any proceedings relating thereto until the decision of the Board of Adjustment has been rendered.
- D. Promptly upon receipt of such notice of appeal and fee as set forth in item C above, the Health Commissioner shall notify the Board of Adjustment which shall schedule for a public hearing on the particular appeal within sixty (60) days after notification of said Board. (Ord. No. 313 §7, 1-12-93)

SECTION 410.070: VIOLATIONS

Any person violating the provisions of this Chapter shall be guilty of an ordinance violation and shall be punished by a fine not to exceed one hundred dollars (\$100.00). Any violation of this Chapter continuing for more than one (1) day shall be deemed a separate violation of this Chapter for each day that such violation continues. (Ord. No. 313 §8, 1-12-93)

SECTION 410.080: DELEGATION OF DUTIES

The Building Commissioner may, at any time, designate any Trustee, Commissioner or officer of the Village of Sycamore Hills to perform or assist in the performance of any of the duties delegated to the Building Commissioner by this Chapter. In the event the Health Commissioner shall have issued any permit, conducted any inspection or issued any notice of non-compliance with respect to which a notice of appeal shall have been filed, the duties of the Health Commissioner set forth in Section 410.060 hereof with respect to such appeal shall be performed by such Trustee, Commissioner or officer of the Village of Sycamore Hills as shall be designated by the Chairperson of the Board of Trustees of the Village. (Ord. No. 313 §9, 1-12-93)

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING CODES AND BUILDING PERMITS

ARTICLE I. ADOPTION OF BUILDING CODES

SECTION 500.010: ADOPTION OF COUNTY CODES—ENFORCEMENT

- A. *Adoption Of Codes.* The St. Louis County Building Codes, Ordinance Chapters Number 1115 (Building), 1116 (Residential) and 1117 (Existing Building) adopted or amended by the County of St. Louis as Ordinance Number 22,314, the St. Louis County Electrical Code, Ordinance Chapter Number 1102 adopted or amended by the County of St. Louis as Ordinance Number 22,556, the St. Louis County Mechanical Code, Ordinance Chapter Number 1108 adopted or amended by the County of St. Louis as Ordinance Number 22,313 and the St. Louis County Plumbing Code, Ordinance Chapter Number 1103 adopted or amended by the County of St. Louis as Ordinance Number 22,338, copies of which codes are on file with the Village and are also available from the County of St. Louis, are hereby adopted as the Building Codes (Building, Residential and Existing Building), Electrical Code, Mechanical Code and Plumbing Code of the Village of Sycamore Hills, Missouri, as if fully set out herein.
- B. *Enforcement.* The Chairperson of the Board of Trustees, on behalf of the Village of Sycamore Hills, is hereby authorized to enter into or renew the agreement with St. Louis County, pursuant to Sections 70.210 through 70.320, inclusive, RSMo., and pursuant to the provisions of the St. Louis County Revised Ordinances for the enforcement of the Building, Residential, Existing Building, Electrical, Mechanical and Plumbing Codes hereby adopted. A copy of said contract as Exhibit A is incorporated herein and on file in the Village offices. (Ord. No. 416 §§1—2, 7-19-07)

SECTION 500.020: PROPERTY MAINTENANCE CODE

- A. The Village of Sycamore Hills hereby adopts the 2000 International Property Maintenance Code as published by the Building Officials and Code Administrators International, Inc. (BOCA). Said Edition replaces all references to previously adopted Building Codes. Said 2000 Edition is adopted, with the exceptions as noted in this Section.
- B. *Prior To The Sale Or Rental Of Property.*
1. Prior to the sale or rental of property or the reissuance of any new occupancy permit for said building in a residential district, any building or residential structure utilizing natural gas as a source of energy shall have a valve capable of discontinuing the flow of natural gas into any gas appliance/device located between the main regulator valve and said appliance/device.
 2. Prior to the sale or rental of property or the reissuance of any new occupancy permit for said building in a residential district, any building or residential structure must have a ground fault circuit interrupt (GFCI) receptacle installed where any electrical receptacle is located within six

- (6) feet of any water service, spout or faucet. GFCI outlets shall be installed on all outdoor outlets.
3. Prior to the sale or rental of property or the reissuance of any new occupancy permit for said building in a residential district, all residential structures must have a valve installed in a water line capable of discontinuing water service to any sink(s) or toilet(s). Said valve shall be located between the main shutoff valve to the residence and any other subsequent shutoff valve and the sink(s) or toilet(s).
 4. Prior to the sale or rental of property or the reissuance of any new occupancy permit for said building in a residential district, all residential structures must have rain gutters installed on the fascia board or rafter tails at all applicable areas.
 5. Prior to the sale or rental of property or the reissuance of any new occupancy permit for said building in a residential district, any gravel driveway must be paved by either concrete, asphalt or other surfaces approved by the Building Commissioner. Prior to said paving, a permit must be issued by the Building Commissioner of the Village of Sycamore Hills.
 6. Prior to the sale or rental of property or the issuance of any new occupancy permit for said building in a residential district, electrical service-drop conductors shall have ten (10) feet minimum clearance from final grade at the electric service entrance to the building and at the lowest point of the drip loop of the building electric entrance. Such clearance shall be measured from final grade or other accessible surfaces.
 7. Prior to the sale or rental of property or the issuance of any new occupancy permit for said building in a residential district, single- or multiple-station smoke detectors shall be installed and maintained at the following locations:
 - a. Within ten (10) feet of a bedroom;
 - b. In all bedrooms;
 - c. On every level of the residence, excluding attics.
 8. Prior to the sale or rental of property or the issuance of any new occupancy permit for said building in a residential district, carbon dioxide detectors shall be installed and maintained on all levels excluding the attic.
- C. *Additions, Deletions, Insertions And Changes.* The following Sections of said International Property Maintenance Code are hereby revised as follows:
1. *Section 101.1 Title.* Insert the wording "Village of Sycamore Hills, Missouri".
 2. *Section 103.6 Fees.* Insert the wording "shall be as indicated in the ordinances of the Village of Sycamore Hills".
 3. *Section 303.14 Insect Screens.* Insert the dates "May 1" and "November 1" respectively.
 4. *Section 305.3.1 Garbage Facilities.* Remove phrase "an approved incinerator unit in the structure available to occupants in each dwelling unit".

5. *Section 602.3 Heat Supply.* Insert the dates "September 1" and "May 1" respectively.
6. *Section 602.4 Occupiable Work Spaces.* Insert the dates "September 1" and "May 1" respectively.
7. *Section 604.2.* Is amended by deleting "60 amperes" and replacing with "100 amperes".
8. *Section 701.1. Scope.* Is amended by adding an exception to read as follows:

Attached garages of a residence will not have to comply with the fire separation requirements of this ordinance.

D. *Driveway Maintenance.*

1. It shall be unlawful for any person, firm or corporation to allow the growth of any grass, weeds or deleterious growths or other matter to grow on any driveway which has been improved with any rock, gravel, limestone or other rock-like substance. Approved length of grass shall not violate nuisance ordinance of the Village of Sycamore Hills. Said driveway shall always be kept in good repair so as to designate same as a useable driveway.
2. Any person, firm or corporation who violates the provisions of this Section shall be subject to the penalties prescribed in the ordinances of the Village of Sycamore Hills.

E. *Yard Maintenance.*

1. Any person, firm or corporation who owns, leases or rents real property within the Village of Sycamore Hills, whereby a house is constructed on said property, must maintain yard areas with a ground cover consisting mostly of growing grass or cultivated ground cover, which may be supplemented by the use of landscaping timbers, decorative rocks, mulch and plants.
2. Any person, firm or corporation who violates the provisions of this Section shall be subject to the provisions prescribed in the ordinances of the Village of Sycamore Hills.

F. *Right To Appeal.*

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Section or the code or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Adjustment, provided that such person shall file in the office of the Village Clerk the written petition requesting such hearing and containing a statement of the grounds therefore within twenty (20) days after the day the notice was served.
2. The Board of Adjustment shall hear all appeals relative to the enforcement of this code and by concurring "aye" vote of three (3) of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make such an order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Official.

G. *Demolition.* If all or any part of a building or structure, including a fence, billboard or sign or the equipment for the operation thereof, including the heating plant, plumbing, electrical wiring, moving

stairways, elevators and fire extinguishing apparatus, shall be found, in the opinion of the Building Official, to be in an unsafe condition, dangerous to life, limbs or property or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, he/she shall correct the situation by following the procedures set forth in ordinances of the Village of Sycamore Hills.

H. *Occupancy Permit Required.*

1. *Scope.* Except as otherwise provided, it shall be unlawful for a person or family to occupy or for any owner or agent thereof to permit the occupation of any dwelling, dwelling unit or addition thereto or part thereof for any purpose until an occupancy permit has been issued by the Building Official. The occupancy permit shall not be issued until all violations of this Section have been brought into compliance. The occupancy permit so issued shall state that the occupancy complies with all of the provisions of this Section.

It shall be unlawful for any person or family to occupy any dwelling, dwelling unit or addition thereto or part thereof for any purpose, until the issued occupancy permit or conditional occupancy permit has been obtained from the Village and is in the possession of said person or family to occupy. Said occupancy permit or conditional occupancy permit shall be in the possession of the person or family to occupy at the time of moving in and shall be presented for inspection at the request of any Village Official.

2. *Fee.* The fee for occupancy permits and reinspections shall be set by administrative policy on an annual basis.
3. *Content of occupancy permit.* The occupancy permit shall state the names, ages, relationship or number of occupants of the dwelling unit. No more than one (1) family as defined in ordinances of the Village of Sycamore Hills shall occupy each dwelling unit. All persons who occupy the premises of a dwelling unit must be listed on the occupancy permit or be subject to the penalties provided in this Code.
4. *Report change of occupancy.* Every dwelling unit in which a change of occupancy is to occur must be reported by the owner to the Village Clerk so that the Enforcement Official may inspect the structure according to the provisions of this Code. Upon inspection, he/she shall determine the number of occupants which can be housed in a dwelling unit without creating a health or safety hazard. Failure to make such a report shall constitute a violation of this Section and the person responsible for the failure shall be subject to the penalties of this Code.
5. *Responsibilities of real estate brokers.* All real estate brokers and agents and similar businesses and owners of multiple-family dwelling units shall report each dwelling unit which is to change occupancy as in this Section defined so that the Enforcement Official may inspect the unit according to the provisions of this Section. Failure to register or make such a report shall constitute a violation of this Section and the person or firm responsible for the failure shall be subject to the penalties of this Code.
6. *Conditional occupancy permit.* A conditional occupancy permit may be issued by the Enforcement Official if, in his/her judgment, any deficiencies in structures covered by this Chapter would not seriously endanger the health or safety of the occupants of the community and provided that the occupant makes an affidavit stating that he/she will correct the deficiencies within a specified time and thus bring the structure into compliance with the provisions of this

Section. The occupant may then occupy the dwelling unit while repairs are being made. At such time as the dwelling complies with all of the provisions of this Section, an occupancy permit will be issued and provided herein.

7. *Visitor defined.* A "visitor" is a person who temporarily lives within the residence for a period not to exceed thirty (30) consecutive days. Said person need not be added to the occupancy permit if he/she inhabits the residence of another for a period of thirty (30) consecutive days or less. If said residency exceeds said thirty (30) day period, the owner of the property must notify the Building Commissioner of a proposed additional occupant and amend the occupancy permit, as needed, with one (1) exception. If the home has not been inspected in a period of ten (10) years, an inspection will be required. Only one (1) said thirty (30) day period shall be allowed for the same person in any calendar year before the aforesaid notification, inspection and occupancy permit amendment shall be required. The Building Commissioner shall be empowered to grant an extension of any requirement set forth herein based on a showing of exigent circumstances by the resident holding the occupancy permit.
- I. *Saving Clause.* Nothing in this Section or in the Basic Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed by this Section; nor shall any just or legal right or remedy of any character be lost, impaired or effected by this Section.
- J. The Village hereby authorizes the City of St. John to perform inspections on all dwellings requiring such occupancy or reoccupancy inspections as well as inspections for compliance with the Property Maintenance Code, including:
 1. Exterior property areas;
 2. Exterior structure; and
 3. Interior of structure. (Ord. No. 433 §§1—2, 1-15-09)

SECTION 500.030: CODE ENFORCEMENT INSPECTION PROGRAM

- A. The Chairperson of the Board of Trustees is hereby authorized to enter into an agreement with the City of St. John under the terms of which the City of St. John agrees to render and shall render to the Village of Sycamore Hills code enforcement inspection services under terms indicated in Subsection (B) of this Section.
- B. The City of St. John will provide Phase I code enforcement inspection services under the following terms:
 1. The Building Commissioner and the Board of Trustees will forward properties to be inspected by the City of St. John Building Inspector.
 2. The Village agrees to pay the City of St. John for code enforcement inspections as follows:
 - a. Forty-five dollars (\$45.00) per inspection, which covers initial inspection and one (1) re-inspection if completed within sixty (60) days of the initial inspection.

- b. Fee for additional time including court appearances, additional mailings or reports will be billed at a flat rate of twenty-seven dollars (\$27.00) per hour. (Ord. No. 440 §§1—2, 4-16-09)

SECTION 500.035: GENERAL PENALTY

- A. Whenever in any technical code adopted in this Chapter or any other ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of any technical code adopted in this Chapter or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the Village or County Jail not exceeding three (3) months, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the Village prison or workhouse instead of the County Jail.
- B. Every day any violation of any technical code adopted in this Chapter or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by any technical code adopted in this Chapter, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by any technical code adopted in this Chapter, an attempt to do the act is likewise prohibited.

ARTICLE II. BUILDING COMMISSIONER

SECTION 500.040: BUILDING COMMISSIONER—APPOINTMENT AND DUTIES

- A. The Board of Trustees shall appoint a suitable person to serve as Village Building Commissioner.
- B. It shall be the duty of the Village Building Commissioner to enforce the provisions of the Zoning Regulations of the Village of Sycamore Hills set out in Chapter 405 of this Code and to perform all of the functions of Building Commissioner as described in the said Chapter. (Ord. No. 120 §§1—2, 6-14-60)

SECTION 500.050: ISSUANCE OF BUILDING PERMITS

The Building Commissioner, before issuing a building permit as required under the ordinances of this Village, shall obtain from the applicant a fee therefor which shall be five dollars (\$5.00) if the estimated cost of construction thereof be less than one thousand dollars (\$1,000.00); and for each additional cost of one thousand dollars (\$1,000.00) or fraction thereof a further sum of five dollars (\$5.00) shall be paid. If it should appear to the Board of Trustees during the erection, alteration,

enlargement, repair or remodeling of any building or retaining wall for which a permit has been issued that the cost thereof is in excess of the amount stated in the original application, the Board shall have the authority to re-estimate such cost and require the owner of said structure to pay an additional fee so that the fee when paid in full shall conform to the entire cost of erecting, altering, enlarging, repairing or remodeling such structure as provided in the ordinances of this Village and as provided in this Section. (Ord. No. 120 §3, 6-14-60)

ARTICLE III. SEISMIC DESIGN

SECTION 500.060: EARTHQUAKE AND SEISMIC DESIGN REQUIREMENTS

All construction in the Village shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements.

ARTICLE IV. MISCELLANEOUS BUILDING REGULATIONS

SECTION 500.070: DISH ANTENNAS—SIZE, LOCATION, CONSTRUCTION, INSTALLATION AND MAINTENANCE

- A. This Section shall apply to any exterior dish type antenna used or intended to be used for the reception or transmission of television, radio or other electronic signals, which antenna is larger than eighteen (18) inches in any linear dimension. No dish antenna larger than eighteen (18) inches in any linear dimension shall be erected, installed or maintained on the roof of any structure within the Village. Notwithstanding the foregoing, a maximum of two (2) dish antennae, each of which is less than eighteen (18) inches in any linear dimension, may be erected, installed or attached to the roof of a structure within the Village.
- B. No dish antenna shall be erected, installed or maintained within the Village unless the owner of the lot within which the antenna is to be erected, installed or maintained shall obtain a permit for the erection or installation thereof and an annual permit for the maintenance thereof as hereinafter provided.
- C. An installation permit shall be issued by the Building Commissioner at the direction of and after the approval by the Board of Trustees, which approval shall be granted only upon the applicant submitting to the Board of Trustees an initial application fee of twenty-five dollars (\$25.00) together with a site plan, including the location of adjoining lots, structures and residences and specifications sufficient to demonstrate that the proposed dish antenna will satisfy the following minimum standards:
 - 1. There shall be a maximum of one (1) dish antenna per lot.
 - 2. The dish antenna shall be ground-mounted and all associated wiring shall be placed underground.

3. The dish antenna shall be located only within the buildable area of a rear yard of a lot as defined in Chapter 405 of this Code as now or hereafter amended.
 4. The dish antenna shall be limited to a maximum of eight (8) feet in any linear dimension and to a maximum height of nine (9) feet above the ground; the area of installation shall not be elevated by a berm or hill.
 5. The dish antenna shall be visually screened year round from all directions beyond the lot lines by landscaping, existing structures, sight-proof fencing or other screening approved by the Board of Trustees.
 6. Supports shall be designed and certified by a licensed structural engineer to withstand winds and wind gusts of one hundred (100) miles per hour.
 7. The dish antenna installation shall also comply with all applicable building and zoning ordinances of the Village and the owner shall obtain all required building and electrical permits.
- D. Following installation of a dish antenna and annually thereafter, on or before June first (1st) of each year, the owner of any lot within the Village on which a dish antenna is located shall obtain from the Building Commissioner a permit for the continued maintenance of the dish antenna, which permit shall be issued by the Building Commissioner upon the application of the owner, payment of an inspection fee in the amount of eighteen dollars (\$18.00) and approval of the condition of the dish antenna by the Building Commissioner following an inspection thereof. Said inspection shall be for the purpose of determining, by visual inspection only, the following:
1. The visual screening approved by the Board of Trustees or screening adequate to satisfy the requirements of Subsection (C)(5) hereof has been installed and is being maintained in compliance with this Article and any ordinance of the Village regulating the construction or maintenance of fences;
 2. The structural supports of the dish antenna have been installed and are being maintained in compliance with this Section and any building or existing structures ordinance of the Village; and
 3. The dish antenna otherwise complies with the ordinances of the Village.
- E. Any deficiency cited by the Building Commissioner following inspection pursuant to Subsection (D) hereof shall be corrected by the owner of the lot on which the dish antenna is located within sixty (60) days thereafter, unless extended by the Building Commissioner. Notwithstanding the foregoing sentence, the Building Commissioner may direct that the deficiencies be immediately corrected or that the dish antenna be immediately removed, if the Building Commissioner reasonably believes that the condition of the dish antenna constitutes an imminent threat to safety.
- F. Any applicant for an installation permit or for a maintenance permit may appeal the decision of the Board of Trustees or of the Building Commissioner to the Board of Adjustment which may grant a variance from any of the standards or requirements set forth in Subsections (C), (D) or (E) hereof, but only upon finding that such variance will not endanger the health, safety or welfare of the residents of the Village and upon finding that such standard or requirement would impose unreasonable limitations on or prevent reception of satellite signals or will impose excessive and

unreasonable costs on the owner or user of the dish antenna. (Ord. No. 321 §§1—7, 8-9-94; Ord. No. 333 §1, 3-12-96)

SECTION 500.080: WRECKING PERMIT REQUIRED BEFORE A BUILDING CAN BE RAZED, WRECKED, DEMOLISHED, DISMANTLED OR REMOVED

A. No building located within the Village shall hereafter be razed, wrecked, demolished, dismantled or removed until a wrecking permit for the same has first been issued by the Building Commissioner of the Village.

B. Application For Wrecking Permit.

1. Application for a "wrecking permit" shall be made to the Building Commissioner of the Village, such application shall:

- a. Designate the building to be razed, wrecked, demolished, dismantled or removed;
- b. Shall be signed by the applicant;
- c. Shall state the name of the wrecking or removal contractor who shall perform the razing, wrecking, demolition, dismantling or removal; and
- d. Shall be accompanied by a written plan of removal, which plan of removal shall contain at least the following:
 - (1) A statement of method by which the building is to be razed, wrecked, demolished, dismantled or removed;
 - (2) A statement of the various stages of such razing, wrecking, demolition, dismantling and removal;
 - (3) A statement of the method of removing all materials comprising the building and all debris from the premises;
 - (4) A statement of the method of leveling the land on which such building is situated and of filling any and all holes or excavations on the property; and
 - (5) A statement that the applicant will comply with all provisions of this Section.

2. The wrecking permit shall not be issued until the applicant shall have paid a fee of twenty-five dollars (\$25.00) and shall have submitted to the Building Commissioner a bond in an amount as determined by the Building Commissioner, the condition of which bond shall be that if the applicant or the building contractor employed by the applicant shall not complete the razing, wrecking, demolition, dismantling and removal of the building as detailed in the plan and in accordance with this Section within the time provided in the wrecking permit or such extension thereof as may be granted by the Building Commissioner, then the applicant, as principal and the surety on said bond, shall forfeit to the Village of Sycamore Hills the amount of said bond.

C. Upon compliance by the applicant with Subsections (B)(1) and (2) hereof and if the Building

Commissioner is satisfied that the wrecking and removal of the building, as stated in the plan submitted by the applicant, will not constitute a hazard to persons or to other property located in the Village, then the Building Commissioner shall issue to the applicant a wrecking permit, which permit shall be valid for an initial period of sixty (60) days from the date of issuance thereof; for good cause shown, the Building Commissioner may grant extensions of that permit, but no such single extension shall be for a period greater than thirty (30) days.

- D. The razing, wrecking, demolition, dismantling and removal of any building located within the Village shall be done in such a manner so as not to constitute a hazard to the inhabitants of the Village or to other property located in the Village; any building for which a wrecking permit is issued shall be completely removed from the premises on which the building is located; and any and all debris resulting from the wrecking of such building and any and all materials remaining from such building shall be completely removed from the premises; and any and all holes or other excavations remaining on said premises shall be completely filled in and the premises shall thereafter be graded and left level.
- E. All wrecking and removal shall be performed in conformance with the requirements of the Occupational Safety and Health Act of 1970, being an Act of Congress, Public Law 91-596, as that Act may from time to time be amended.
- F. If, after a wrecking permit has been issued, the applicant or the wrecking and removal contractor employed by the applicant should fail to conform with the requirements of this Section or if the wrecking or removal contractor should proceed with the wrecking and removal of the building in any manner inconsistent with the plan submitted by the applicant or if the Building Commissioner of the Village finds that the wrecking and removal of the building in any way constitutes an unwarranted hazard to the inhabitants of the Village or to any other property located in the Village, then and in that event the Building Commissioner shall immediately serve notice upon the applicant or the wrecking and removal contractor to immediately cease any and all activities conducted in connection with such wrecking and removal, which order the applicant and/or the wrecking and removal contractor shall immediately comply with; except that the applicant and/or the wrecking and removal contractor shall take such measures as may be necessary to protect the inhabitants of the Village and any and all other property located in the Village from further danger arising from the wrecking and removal of the building. (Ord. No. 174 §§1—7, 7-10-73; Ord. No. 189 §§1—2, 11-11-75)

CHAPTER 505: DANGEROUS BUILDINGS

SECTION 505.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the Village of Sycamore Hills, Missouri.

SECTION 505.020: DANGEROUS BUILDINGS DEFINED

All buildings or structures that are detrimental to the health, safety or welfare of the residents of the Village and that have any or all of the following defects shall be deemed "*dangerous buildings*":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the Village.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Village.

SECTION 505.030: DANGEROUS BUILDINGS DECLARED NUISANCE

All dangerous buildings or structures, as defined by Section 505.020 of this Chapter, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

SECTION 505.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or created in violation of the terms of this Chapter or any ordinance of this Village or Statute of the State of Missouri, it shall be repaired or demolished.

SECTION 505.050: BUILDING INSPECTOR

The person or persons that the Village has currently contracted with to perform building inspections shall be the Building Inspector(s) within the meaning of this Chapter.

SECTION 505.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE

The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this Village as probably existing in violation of this Chapter.
4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis

County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

- a. The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
6. Report in writing to the Village Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

SECTION 505.070: BUILDING COMMISSIONER

The Building Commissioner shall act as Building Commissioner under this Chapter.

SECTION 505.080: DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner shall have the powers and duties pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the Village, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other Village department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.
3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County who may appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
4. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 505.020 of this Chapter.
5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the Village, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County to repair, vacate or demolish any building found to be a dangerous

building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this Village, or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the Village of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the Village, no order shall be issued.

6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured or repaired, or the property is cleaned up, the cost of performance shall be certified to the Village Clerk or officer in charge of finance who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the Village Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the Village and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 505.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.

SECTION 505.090: INSURANCE PROCEEDS—HOW HANDLED

- A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the Village to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
2. The Village shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the Village has instituted legal proceedings under the provisions of Subsection (6) of Section 505.080. If the Village has proceeded under the provisions of Subsection (6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 505.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the

request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

- C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. This Section does not make the Village a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.

SECTION 505.100: APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of St. Louis County may appeal such decision to the Circuit Court of St. Louis County as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 505.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.130, RSMo.

SECTION 505.110: EMERGENCIES

In cases where it reasonably appears that there is immediate danger to the health, life, safety or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sections 505.080 and 505.090.

SECTION 505.120: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be fined in accordance with Section 100.220 of this Code. Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

CHAPTER 510: MINIMUM HOUSING STANDARDS

SECTION 510.010: APPLICABILITY OF THE MINIMUM HOUSING CODE

Every building or its premises used in whole or in part as the home or residence of a single-family or person and every building used in whole or in part as a home or residence of two (2) or more persons or families, living in separate dwelling units (e.g., a duplex), as well as any accessory structure of such a building, shall conform to the requirements of this Chapter, irrespective of the class to which such building may otherwise belong and irrespective of when such building may have been constructed, altered or repaired. (Ord. No. 225 §f, 11-11-80)

SECTION 510.020: DEFINITIONS

- A. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

ACCESSORY STRUCTURE: A detached structure subordinate to the main or principal structure and located on the same lot, the use of which is customary to the main building.

AUTOMATIC FIRE ALARM DEVICE: A device or system providing an emergency function without the necessity of human intervention which detects heat, smoke or other products of combustion and actuates an audible or visible signal. "Automatic fire alarm device" shall include a smoke detector.

BASEMENT: A story partly underground and having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground.

BATHROOM: A room containing bathing and sanitary facilities provided within each living unit consisting of a water closet, a tub or shower and a lavatory; a bathroom shall afford complete privacy.

BUILDING COMMISSIONER: Building Commissioner or Health Commissioner or both.

CELLAR: A story having more than one-half ($\frac{1}{2}$) its height below the average level of the adjoining ground.

DETERIORATION: The condition or appearance of a building or part thereof characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

DRIVEWAY: A privately maintained paved travelway used for vehicular access to a lot and distribution within such lot.

DRIVEWAY APRON: Any publicly constructed access from the public roadway to the driveway.

DRIVEWAY, COMMON: A single driveway providing vehicular access to two (2) adjoining lots.

DUPLEX DWELLING: A building designed for occupancy by two (2) families living independently of each other.

DWELLING UNIT: A building or part thereof designed for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

EXTERMINATION: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Health Commissioner.

FAMILY: One (1) or more persons related directly by blood or marriage and living as a single housekeeping unit.

GARBAGE: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM: Every room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations. It shall not include private landings, bathrooms, toilet rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service in the building or other similar spaces not used by persons frequently or during extended periods.

HEALTH COMMISSIONER: Health Commissioner or Building Commissioner or both.

KITCHEN: A space of not less than fifty (50) square feet, which contains a sink with corner working space, adequate space for installing cooking and refrigeration equipment and for the storage of cooking utensils.

OCCUPANT: Any person (including owner or operator) living and sleeping in a dwelling or having actual possession of said dwelling.

ORDINARY MINIMUM WINTER CONDITIONS: The temperature fifteen degrees Fahrenheit (15°F) above the lowest recorded temperature for the previous ten (10) year period.

OWNER: Any person, firm or corporation who, alone, jointly or severally with others, shall be in actual possession of or have charge, care or control of any dwelling within the Village as owner, employee or agent of the owner or as trustee or guardian of the estate or person of the title holder and such person shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

PARKING SPACE: A durable, dustproofed, properly graded for drainage, usable paved space enclosed in a main building or in an accessory building or unenclosed, reserved for the temporary storage of a motor vehicle and connected to a street, alley or other designated public vehicular roadway by a paved driveway.

PAVED OR PAVEMENT: Any hard, uniform, level surface that is designed to bear travel, including sidewalks, walkways, steps, stoops, driveways and parking surfaces consisting of cement, asphaltic concrete, macadam or rock, constructed to provide a hardened surface.

PERSON: Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual; it shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any Section of this Chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

PLUMBING: All of the following facilities and equipment: gas pipes, gas-burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures, together with all connections to water, sewer or gas lines.

PROVIDED: Any material furnished, supplied, paid for or under the control of the owner.

REPAIR: To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

REPLACE: To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new; replacement will ordinarily take place when the item is incapable of repair.

RUBBISH: Non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

STRUCTURE: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall.

SUBSTANDARD: All buildings used for purposes of human habitation which do not conform to the minimum standards established by this Chapter and by any other provision of this and other ordinances.

SUPPLIED: Paid for, furnished or provided by or under the control of the owner or operator.

TEMPORARY HOUSING: Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.

YARD: An open space at grade on the same lot as a building or structure located between the main building and the adjoining lot line and/or street line. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

- B. *Meaning Of Certain Words.* Whenever the words "dwelling" or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

CORNICE: Horizontal molding along the top of a wall.

ORIEL: Bay window.

PEDIMENT: Low pitched gable, usually for decoration.

QUOIN: Large stone used to mark corner of building.

RUSTICATION: Masonry finished in a rustic manner. (Ord. No. 225 §II, 11-11-80; Ord. No. 263 §1, 3-11-86; Ord. No. 283 §1, 10-11-88; Ord. No. 356 §2, 8-11-93)

SECTION 510.030: MINIMUM STANDARDS

No person shall occupy as owner occupant or shall let or hold out to another for occupancy any dwelling or family unit for the purpose of living therein, which is not safe, clean, sanitary and fit for human occupancy and which does not comply with the particular requirements of the following paragraphs of this Section.

1. *Foundations, exterior walls and roofs.* The foundation, exterior walls and exterior roof shall be substantially water-tight and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be free of deterioration holes, bricks, loose or rotting board or timbers and cracks in brick or mortar and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, rustications, quoins, moldings, belt courses, lintels, sills, oriel windows, pediments and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous and dangerous.
2. *Floors, interior walls and ceilings.* Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of holes and cracks. Every floor shall be free of loose, warped, protruding or rotting floor boards. Every interior wall and ceiling shall be free of holes and large cracks and shall be maintained in a tight weather-proof condition. Every interior wall and ceiling shall be free of loose plaster or other structural material. Plaster, paint and all other surface materials shall be of such character as to be easily cleanable and shall be reasonably smooth, clean and tight. Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition.
3. *Windows, doors and hatchways.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes which are without cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware. Every exterior door, door hinge and door latch shall be in good condition. Every exterior door, when closed, shall fit reasonably well within its frame. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain and substantially closed to exclude wind from entering the dwelling. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the building.

4. *Screens.* Screens shall be supplied to the following extent:

- a. Every basement or cellar window which is openable shall be supplied with a framed heavy wire screen or hardware cloth of not less than four (4) mesh per inch which fits tightly and is securely fastened to the frame or with any other material affording equivalent protection against the entry of rodents.
- b. From April fifteenth (15th) to November fifteenth (15th) of each year, every door opening directly from any family unit to the outdoors and every window or other outside opening used for ventilation purposes shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen door shall have a self-closing device in good working condition.

5. *Stairways and porches.* Every stairway, inside or outside of the dwelling, and every porch shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every stairwell and every flight of stairs which is more than four (4) risers high shall have rails not less than two and one-half (2½) feet high measured vertically from the nose of the tread to the top of the rails and every porch which is more than four (4) risers high shall have rails not less than two and one-half (2½) feet above the floor of the porch. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled more than one (1) inch out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred (400) pounds without danger of breaking. Every porch shall have a sound floor. No porch shall have rotting, loose or deteriorating supports.

6. *Basements and cellars.* Every basement and every cellar shall be maintained in a safe and sanitary condition. Water shall not be permitted to accumulate or stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazards or to endanger health or safety.

7. *Facilities, equipment and chimneys.* Every supplied facility, piece of equipment or utility and every chimney and chimney flue shall be installed, function effectively as originally designed and shall be maintained in a safe, sound and sanitary working condition.

8. *Grading, drainage and maintenance of lots and pavement.* Lots and paved areas shall be constructed and maintained in a safe and sanitary condition and, at a minimum, shall conform to the following requirements:

- a. Yards, courts, vents, passageways, driveways, sidewalks and all other portions of the lot shall be graded and maintained so as to prevent the accumulation of stagnant water or ice on any such surfaces and so as to promote drainage of the lot away from the residence and any accessory structures and toward the public streets or other natural drainways.
- b. Paved areas shall be constructed in conformity with Subsection (20) hereof and shall be maintained in good repair and free of cracks, separations, buckling or other conditions which permit the growth of vegetation within the paved area or which could create an

uneven, unsafe surface for pedestrian travel. All private sidewalks, walkways, steps, stoops, driveways, parking spaces and similar areas shall be maintained free of hazardous conditions. All paved surfaces shall be prepared and maintained in a condition to assure that no dust, rock or other component of the paved surface is discharged or escapes from the paved area.

9. *Yards.* Yards shall be provided with adequate lawn, ground cover of vegetation, hedges or bushes. All areas which are not covered by vegetation shall be treated to prevent erosion, dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians. Hazardous dead and dying trees and shrubs shall be removed.
10. *Infestation.* Each dwelling and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites and other vermin infestation. Building defects which permit the entrance of rats, mice, termites and other vermin shall be corrected immediately by the owner. Tenants and occupants who are not owners shall be responsible for the elimination of rodents and vermin from that part of the premises under their exclusive control except when more than one (1) unit is infested at the same time and in this instance the owner shall be responsible for elimination of the infestation.
11. *Minimum space.* No person shall occupy or let to another for occupancy any dwelling for the purpose of living therein which does not comply with the following requirements:

Each dwelling shall contain the habitable rooms and minimum areas as scheduled below:

	Minimum Area (Square Feet)				
	1-2 occupants	3-4 occupants	5-6 occupants	7-8 occupants	9 or more occupants
Living room	N/A	160	160	170	180
Dining room	N/A	100	100	110	120
Kitchen 1,2	50	50	50	60	60
Bedroom (primary) 1,2	100	120	120	120	120
Bedroom (secondary) 1,2	N/A	80	100	100	100
Bedroom (tertiary) 1,2	N/A	N/A	80	100	100
Bedroom (quaternary) 1,2	N/A	N/A	N/A	80	100
Bedroom (quinary)	N/A	N/A	N/A	N/A	80
Living room—Dining area	N/A	210	210	230	250
Living room—Dining area Kitchen	50	270	270	300	330
Kitchen—Dining area	100	120	120	140	160
Total habitable room space	250	450	650	850	1,050

Minimum Area (Square Feet)	
Notes.	
1.	No part of the living room, kitchen or dining room may be counted as part of the required area of bedrooms. Each bedroom must be provided with a door for privacy.
2.	Every room used as a bedroom shall have access to at least one (1) water closet without passing through another room used as a bedroom and shall be provided with a closet space of at least six (6) square feet.
3.	For adjacent spaces to be considered a combined room, the horizontal opening between spaces shall be at least eight (8) feet, except that between kitchen and dining functions, the opening may be reduced to six (6) feet. Spaces not providing this degree of openness shall meet minimum room sizes required for separate rooms.
4.	These required minima apply only when the eating space is in the kitchen.
5.	The floor area of an alcove or recess off of the main floor area of a room shall be included only if it is not more than ten percent (10%) of the minimum room size permitted and is useful for the placement of furniture.
6.	Habitable rooms shall have a clear ceiling height of not less than seven (7) feet four (4) inches, except that in attics or top half stories, the ceiling height shall not be less than seven (7) feet over not less than one-third (⅓) of the area when used for sleeping, study or similar activities. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

12. *Electrical service.*

- a. Every habitable room of every dwelling unit shall contain separate floor or wall type convenience outlets. All electrical work shall be equivalent to or exceed the requirements of the St. Louis County Electrical Code.
- b. Every bathroom, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

13. *Heating.* Every unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit (70°F) when the outside temperature is zero degrees Fahrenheit (0°F). Gas appliances designed primarily for cooling or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuels do not meet the requirements of this Section and are prohibited. The owner may require that the occupant shall provide the required heating facilities at the occupant's expense but such agreement or requirement does not relieve the owner from the responsibility for the presence of such heating equipment for the unit.

14. *Water heating facilities.* Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected

with hot water lines required under the provisions of this Chapter of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F). Such supplied water heating facilities shall be capable of meeting the requirements of this Section when the dwelling or dwelling unit heating facilities required under the provisions of Sections of this Chapter are not in operation.

15. *Natural lighting.* All habitable rooms, except as otherwise provided in this Chapter, shall be provided with a means of transmitting natural light from outside, complying with the following requirements:

a. The required clear glass area shall not be less than one-tenth (1/10) of the floor area of such room and not less than ten (10) square feet. The effective area shall be computed at not more than eighty percent (80%) of the actual area when a required natural light area:

(1) Faces a wall or other obstruction at a distance of less than ten (10) feet; or

(2) Is located below a roof or other obstruction projecting more than four (4) feet from the face of the window or other natural light area and the plane from the head to the outside of such projection forms an angle with the horizontal of less than forty-five degrees (45°).

b. Whenever a habitable room has natural light area opening from the room to an enclosed porch, such area shall not be counted as a required light area unless the enclosed porch has a natural light area of not less than three (3) times the required light area opening from the room to the porch.

16. *Ventilation requirements.*

a. *Generally.* Every habitable room shall have a ventilating system adequate for the purposes for which the room is used. Natural ventilation shall be deemed to be adequate for habitable rooms when the total area openable to the outside air (by means of windows, louvers, monitors or other direct openings excluding doors) is five percent (5%) of the floor area of the habitable room, except that when:

(1) Any portion of the room is more than sixteen (16) feet from a required opening, the aggregate clear area of openings shall be not less than six percent (6%).

(2) A room has openable areas on two (2) or more sides thereof, the total openable area shall be at least four percent (4%) of the total floor area of such room.

(3) The openable area faces a wall or other obstruction at a distance of less than ten (10) feet, the effective area shall be computed at not more than eighty percent (80%) of the actual openable area.

(4) The openable area opens onto an enclosed porch, the enclosed porch shall have an openable area of at least three (3) times the total required area of the openings onto such porch.

b. *Kitchen with floor area of less than seventy (70) square feet.* A kitchen with a floor area of less than seventy (70) square feet may be without either mechanical or natural ventilation if there is an opening of not less than thirty-two (32) square feet between the

kitchen and another room in the same family unit and if the room into which the kitchen opens has the ventilation requirements of the preceding paragraphs.

- c. *Toilet and bathroom ventilation.* Every toilet room and bathroom shall have adequate ventilation which may be either an openable window with an openable area of five percent (5%) of the floor areas mechanical ventilation in compliance with the foregoing requirements of this Section or a gravity vent flue constructed with incombustible material leading to the roof of the building or a combination of any of these. The gravity vent shall be computed at an aggregate clear area of not less than five percent (5%) of the floor area of the room with a minimum area of at least one hundred twenty (120) square inches. Gravity vents shall be provided with a weather cap, directional vane or rotary type ventilation on the roof.

17. *Sinks.*

- a. Every dwelling shall contain a kitchen sink in good repair, free of chips, cracks or other defect which may be a sanitary hazard and shall be in working condition, properly connected to a water and sewer system approved by the Health Commissioner.
- b. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this Section shall be properly connected with both hot and cold water lines.

18. *Bathrooms.* Every dwelling shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, a tub or shower and lavatory basin in good repair and in working condition, properly connected to the public water system and to a public or private sewer system; provided however, that until such sewer connections are available, septic tanks constructed according to the standards required by the Health Department and properly functioning shall not be construed as in violation of this Section.

19. *Accessory structures.* Accessory structures shall not be located or constructed so as to prevent passage of light and air into doors and windows of any dwelling unit, shall not interfere with access to or from any dwelling unit, shall not create a fire or safety hazard and shall not provide harborage for rat or vermin. All accessory structures shall be functional, of durable construction and proper alignment and shall be maintained in a state of good repair and free of safety hazards.

20. *Automatic fire alarm device.*

- a. *Location and number.* An automatic fire alarm device shall be installed and maintained in full operating condition on every story including basements. In dwelling units with split levels, an automatic fire alarm device installed on the upper level shall suffice for the adjacent lower level provided the lower is less than one (1) full story below the upper level; if there is an intervening door between the adjacent levels, an automatic fire alarm device shall be installed on both levels.
- b. *Alarms.* Alarm sounding devices shall be of a type approved by Underwriters Laboratory or similar testing service and shall provide a distinctive tone and shall not be used for any purpose other than that of a fire alarm. The automatic fire alarm device shall be located so as to be seen, if a visual alarm, or effectively heard above all other sounds, if an audible alarm, by all the occupants in every occupied space within the structure.

- c. *Responsibility for maintenance.* It shall be the responsibility of the owner of each residential structure to install an automatic fire alarm device and to maintain such device in proper working order.

21. *Driveways and parking surfaces.* Driveways and parking surfaces constructed, installed, replaced or resurfaced after the effective date for this paragraph of this Subsection of this Chapter shall comply with the standards hereof.

- a. *Permit required.* Prior to commencing such construction, installation, replacement or resurfacing, the owner or occupant of the lot or land shall submit an application to the Building or Health Commissioner for permission to install a driveway. Such application shall sufficiently identify:

- (1) The location of the proposed driveway on the lot or land;
- (2) The material to be used in the construction of the driveway;
- (3) The depth and width of the construction materials; and
- (4) Such other information and documentation as the Building or Health Commissioner shall reasonably require in order to determine whether such proposed construction will conform to this Chapter. The Building or Health Commissioner shall issue a permit to the applicant within fifteen (15) days after receipt of the application, provided said application satisfies the requirements of this Chapter. Any permit issued by the Building or Health Commissioner shall only authorize the owner or occupant of the lot or land to construct a driveway or parking surface in conformity with the approved plans.

- b. *Asphalt driveways.* Asphalt, blacktop and similar surfaces shall be constructed or composed of at least two (2) inches thickness of "Type C" asphalt or its equivalent over a base consisting of three (3) inch minus rock or gravel compacted to a two (2) inch thickness and one (1) inch minus rock or gravel compacted to two (2) inches thickness.
- c. *Concrete driveways.* Concrete and comparable surfaces shall be constructed or composed of at least four (4) inches of four thousand (4,000) pounds per square inch psi air entrained concrete with wire mesh on two (2) inch thickness of one (1) inch clean crushed stone or rock.
- d. *Granular driveways.* Gravel or limestone crushed rock surfaces shall be constructed or composed of a minimum four (4) inches of thickness consisting of at least one (1) inch minus rock compacted to a two (2) inch thickness over a base of three (3) inch minus rock compacted to a two (2) inch thickness. Granular driveways shall also include a border of metal, wood or hard, durable plastic protruding at least one (1) inch above the compacted surface of the driveway designed and functioning to retain the driveway material within such border.
- e. *Ribbon driveways.* Ribbon driveways shall consist of two (2) strips, each at least eighteen (18)-inches wide, consisting of asphalt or concrete constructed in accordance with the requirements of this paragraph, the centers of which strips shall be separated by a distance of four (4) feet eight (8) inches. The area between and outside the ribbons shall either

consist of granular fill conforming to this paragraph or grass or other suitable ground cover not exceeding three (3) inches in height.

- f. *Driveway aprons.* All driveway aprons shall be constructed of concrete. No new curb-cut or other access to the public streets within the Village shall be created or installed without obtaining approval therefor from the Board of Trustees. It shall be the duty of the lot owner or occupant to repair any damage or alteration caused by the installation of the driveway or parking surface to an existing curb, sidewalk or driveway apron heretofore or hereafter installed by the Village, so as to restore said curb, sidewalk or driveway apron to its original condition.

22. *Address on buildings and structures.* Each residential or commercial structure, other than accessory structures, located wholly or partially within the Village shall have firmly affixed thereto or painted thereon address numbers of a material and color clearly visible from the adjoining street or roadway and of a height not less than three (3) inches.

23. *Pools, ponds and open waters.* Every yard or open area containing a swimming pool, pond or other source of open water shall be maintained in such a manner to assure that no stagnant or fetid waters shall exist and such pool, pond or other source of open water shall not provide a breeding space for mosquitoes or other pests.

24. *Storage of firewood.* Firewood or cord wood, not exceeding two (2) feet in length, intended for heating purposes may be stored on the premises for which such wood is to be used in the rear yard or that portion of the side yard behind the front building line where the distance to any adjoining residential structure exceeds ten (10) feet provided such wood is neatly and snugly stacked, is stored at least six (6) inches above the ground and is not stacked higher than five (5) feet from the ground. Notwithstanding the provisions of this Subsection, during the period commencing October first (1st) and concluding March thirty-first (31st), such firewood may be stored on a front porch or similar space, provided such firewood is stored at least six (6) inches above the ground or other surface and provided such firewood does not hinder any means of ingress into or egress from such residence. (Ord. No. 225 §11, 11-11-80; Ord. No. 263 §2, 3-11-86; Ord. No. 356 §§3--4, 8-11-92; Ord. No. 361 §1, 3-4-99; Ord. No. 373 §1, 1-18-00; Ord. No. 380 §1, 11-16-00)

SECTION 510.040: PROCEDURE FOR OBTAINING INSPECTIONS

- A. Prior to any change of ownership or occupancy of any dwelling the owner, lessor or agent shall request the Building Commissioner or the Building Inspector to make an inspection of said unit to determine compliance with the provisions of this Section. There shall be a fee for such inspection which shall be paid before the inspection is made. The fee shall be fifty dollars (\$50.00) for each such inspection, provided however, that in the event any violation or deficiency is noted, any reinspection requested by the owner, lessor or agent after such violation or deficiency is abated and within the time designated by the Building Commissioner for abating such violation or deficiency shall be without additional charge. If no violations are noted, the Building Commissioner shall issue a certificate of compliance which shall be valid for ninety (90) days from the date of issue unless revoked by the Building Commissioner for good cause.
- B. It shall be unlawful for the owner, lessor or agent of any dwelling unit to sell, transfer, lease,

sublease or otherwise dispose thereof to another until he/she shall have secured a certificate of compliance.

1. If there are violations of this Chapter which must be abated before a certificate of compliance is issued, it shall be the responsibility of the seller, lessor or agent to abate such violations.
 2. With the approval of the Building Commissioner, a transferee may assume responsibility for abating violations of this Chapter by executing an affidavit stating his/her assumption of such responsibility and establishing a date by which abatement is to be accomplished. The abatement date shall have the approval of the Building Commissioner.
 3. This Section shall not apply to transfers of dwelling units wherein the transferee executes an affidavit to the Building Commissioner that the building or buildings on the land so transferred will be demolished within ninety (90) days of the transfer.
- C. It shall be unlawful for any person to hereafter occupy or for the owner, lessor or agent to permit the occupancy of any dwelling until a certificate of occupancy has been issued by the Building Commissioner. Said certificate of occupancy shall not be issued until all of the following requirements have been met:
1. The provisions of Subsection (B)(1) hereof have been met.
 2. A fee as set out in Subsection (A) hereof.
 3. An application for such occupancy permit shall have been made. Said application shall contain the name of the applicant, the names, relationships and dates of birth of all proposed occupants, as well as any other necessary information to enable the Building Commissioner to issue a permit. Said application shall be subscribed and sworn to by the applicant.
- It shall be unlawful for any person to knowingly make any false statement in his/her application for an occupancy certificate as to the names, ages, relationships or number of occupants who will occupy the premises or any other information on said application.
- D. It shall be unlawful for any person to move any person or assist in moving any person into a dwelling for purposes of occupying same until a certificate of occupancy has been issued by the Building Commissioner. It shall be unlawful for any person to move or assist in moving to or from any dwelling unless same is done between the hours of sunrise and sunset.
- E. It shall be unlawful for any person, firm or corporation to hereafter occupy any building for any purpose until a certificate of occupancy has been issued by the Building Commissioner. The certificate of occupancy so issued shall state that the occupancy complies with all the provisions of this Chapter. This Section shall not apply to any occupancy in existence at the time of the adoption of this Chapter. (Ord. No. 225 §IV, 11-11-80; Ord. No. 361 §2, 3-9-99)

SECTION 510.050: ENFORCEMENT AUTHORITY AND PROCEDURES FOR NOTICES, CONDEMNATION AND PLACARDS

- A. *Inspections By Health Commissioner.* The Health Commissioner is authorized and directed to make inspections to determine whether dwellings, accessory structures and premises located within this

Village conform to the requirements of this Chapter. For the purpose of making such inspections, the Health Commissioner is authorized to enter, examine and survey at all reasonable times all dwellings, accessory structures and premises. The owner or occupant of every dwelling, accessory structure and its premises shall give the Health Commissioner free access thereto at all reasonable times for the purpose of such inspection, examination and survey. In the event the owner or occupant shall refuse access to any said premises, then the Health Commissioner or his/her delegated representative shall have authority to enter any of such premises after written notice has been given to the owner, occupant or his/her agent.

B. *Non-Compliance With Chapter--Notice To Be Given.* Whenever the Health Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, he/she will give notice of such alleged violation to the person or persons responsible therefor which shall:

1. Be in writing.
2. Contain a statement of the reason why it is being issued.
3. Allow a reasonable time for the performance of any act it requires.
4. Be served upon the owner or his/her agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent or on any such occupant, if a copy thereof is:
 - a. Served upon him/her personally, or
 - b. Sent by registered mail to his/her last known address, or
 - c. Posted in a conspicuous place in or about the dwelling affected by the notice.
5. Contain an outline of remedial action which if taken will affect compliance with the provisions of this Chapter.

C. *Remedy Of Defects.*

1. The owner of any building shall have sixty (60) days from the issuance of the notice provided for in the preceding Section in which to remedy the condition therein specified; provided however, that the Health Commissioner, in his/her discretion, may extend the time for compliance with any such notice and, provided further, that no owner shall be held responsible for any condition that is not specifically described in such notice.
2. Failure of any owner to comply with any order of the Health Commissioner contained in the notice prescribed by Subsection (B) hereof within the time specified shall make such owner subject to the penalties provided for such offense.

D. *Placard On Building.* The designation of dwellings as unfit for human habitation and the procedure for such declaration and placarding of such unfit dwellings shall be carried out in compliance with the following requirements:

1. Any dwelling which shall be found to have any of the following defects shall be declared unfit

for human habitation and shall be so designated and placarded by the Health Commissioner when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Subsection (B) hereof.

2. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public, or
 3. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public, or
 4. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- G. *Outstanding To Remove Placard.*** No person shall deface or remove the placard from any dwelling or which has been condemned as unfit for human habitation and placarded as such, except as provided in Subsection (F).
- H. *Building To Be Vacated.***
1. Any dwelling condemned as unfit for human habitation and so designated and placarded by the Health Commissioner shall be vacated within a reasonable time as ordered by the Health Commissioner.
 2. No dwelling which has been condemned and placarded as unfit for human habitation shall again be used for human habitation, until written approval is secured from said placard being removed by the Health Commissioner. The Health Commissioner shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- I. *Vacant Dwellings To Be Made Secure.*** The owner of every building or rooming unit which is declared "unfit for human habitation" for continued occupancy shall make the dwelling, building or rooming unit safe and secure under the terms so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and a public nuisance within the meaning.
- J. *Condemned Buildings.*** If any building covered by this Chapter shall be found to be unfit for human habitation and the cost of repair of same or alteration shall be deemed prohibitive by the Health Commissioner, then he/she shall condemn such building and proceed with its removal as in all other cases of condemned buildings. (Ord. No. 275 NV, 11-14-80)

SECTION 510.060: APPEALS AND AUTHORITY OF BOARD OF TRUSTEES

- A. *Right Of Appeal.*** Any person affected by any notice or order relating to the condemning and placarding of a dwelling or as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Trustees under the procedure set forth herein.
- B. *Jurisdiction Of Trustees Under Ordinance.*** The Trustees shall have jurisdiction under this Section to hear and decide appeals where it is alleged by any aggrieved person that there is error in any

order, requirement, decision or determination made by the Health Commissioner or any other person charged with the enforcement of this Chapter.

C. *Procedure For Filing Appeals.*

1. Any appeal herein shall be taken within thirty (30) days after the decision is rendered by filing with the Health Commissioner a notice of appeal specifying the grounds therefor.
2. The Health Commissioner shall forthwith submit to the Trustees a copy of such notice of appeal together with all the papers constituting the record of the action from which the appeal is taken. (Ord. No. 225 §VI, 11-11-80)

SECTION 510.070: NOTIFICATION TO VILLAGE WHEN THERE IS SUCCESSOR TO EXISTING UTILITY SERVICE

- A. For any month when there is a change of user of residential or non-residential electrical service within the Village, Ameren UE shall notify the Village Clerk of the Village in writing seven (7) working days after the end of the month of said changes, indicating the address and apartment or unit number and the name(s) of electrical user(s) per service and address and apartment or unit number in whose name service is connected or billed.
- B. Any person, firm or corporation violating any of the provisions of this Section shall, upon conviction thereof, be subject to the penalty provided in this Code.
- C. Ameren UE shall submit annually to the Village an invoice for its cost associated with this Section. The initial cost of this service shall not exceed one hundred fifty dollars (\$150.00) per year. Future price increases, if any, will only reflect the actual cost incurred by Ameren UE to provide this service. The Village shall pay Ameren UE the amount of the invoice within thirty (30) days of the receipt. (Ord. No. 419 §§1 -3, 10-18-07)

CHAPTER 515: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

SECTION 515.010: EXCAVATING OR OBSTRUCTING STREETS, SIDEWALKS OR OTHER PUBLIC WAYS

- A. No person shall excavate, tear up, barricade or otherwise damage or obstruct any street, sidewalk or other paved public way in the Village of Sycamore Hills, Missouri, without having first obtained a written permit therefor from the Street Commissioner of the Village of Sycamore Hills or his/her designee.
- B. Any person requesting a permit as required in Subsection (A) shall submit a written application containing, at a minimum, the following information:
1. The identification of the person for whose benefit the permit is requested and, if different, the person performing the excavation or causing the obstruction described in the permit application;
 2. A brief description of the work to be performed, including the purpose for or object of such work, the duration of such work, the intended hours of the day during which work will be performed and the specific area of the public way in which such excavation or obstruction shall occur;
 3. A description of the methods to be used to warn the public of the existence of such excavation or obstruction;
 4. A description of the plan for restoration of the public way, including the identification of the person performing such restoration, if different from the person performing the excavation; and
 5. Such other information as the Street Commissioner shall reasonably believe necessary to assure compliance with the requirements of this Chapter.
- C. Each application for a permit shall be accompanied by a permit application fee of twenty-five dollars (\$25.00) and a bond of sufficient form, cash security or other security to the satisfaction of the Street Commissioner of five hundred dollars (\$500.00) plus an amount equal to thirty dollars (\$30.00) for every square foot or portion thereof of paved surface to be removed plus an amount equal to thirty dollars (\$30.00) for every linear foot or portion thereof of curbing to be removed during the execution of the work described in the permit application. Any bond or other security shall be in a form and with a surety or sureties reasonably acceptable to the Street Commissioner, the conditions of which bond or security shall be that if the permit applicant shall not complete the excavation, obstruction or other work described in the application or shall fail to fully and completely restore the paved public way as described in the application within the time limits set forth in the permit or any extension granted pursuant to the terms of this Chapter, then the applicant or the surety shall forfeit to the Village such amount of the bond, cash or other security as shall compensate the Village for the cost of restoring such paved public way, together with any adjacent unpaved portion of the public way which may be disturbed during either excavation or restoration of the public way. Within forty-five (45) days after restoration of the public way in compliance with this Section, the Village shall release such bond, cash or other security; provided however, that the Village may retain an amount not exceeding five percent (5%) of such bond, cash or other security for a period of time not exceeding one (1) year from the date of the initial release of the security by the Village to assure that no defects exist in such restoration.

- D. The Street Commissioner shall issue a permit upon a determination by the Street Commissioner that the necessary application, permit fee and security have been submitted and the planned methods of restoring the public way either satisfy the standards set forth in this Chapter or are sufficient to assure that the public way will be in as good condition after the work is completed as the same existed prior to commencement of said work. The Street Commissioner shall confirm that the applicant has described the methods by which the applicant shall provide warning to the public of the existence of the excavation or obstruction; provided, however, that the Street Commissioner shall not be obligated to evaluate the adequacy of such warning.
- F. Any person excavating or obstructing any public way within the Village shall, at all times during the progress of such activity, maintain barricades around such excavation, construction, obstacle or other activity and shall maintain lights, lanterns or other illumination which shall be in sufficient numbers and brightness to adequately warn the users of the public way of the existence of such obstructions or excavation. Failure of the permit holder to conform to the description of the methods of warning the public contained in the permit application shall constitute a violation of this Chapter subject to the penalties described herein. Notwithstanding the issuance of a permit and compliance with the described methods of warning the public, the permit holder shall not be relieved of any responsibility for assuring that the methods utilized to protect the users of the public way are adequate under the existing conditions. Any person excavating or obstructing the public way within the Village shall be liable for any damage or injury to any person resulting from any unreasonable failure to adequately warn users of the public way of the existence of such excavation or obstacle.
- F. Any person who shall excavate, tear up, or otherwise damage a public way within the Village shall restore the same to as good a condition after such activity is completed as the same existed prior to commencement of such work. By way of illustration and not limitation, restoration of roads within the Village shall include a twelve (12) inch layer of base (1) inch deep gravel supported by two (2) six (6) inch lifts, overlain with four (4) inches of asphalt with sealed joints at any construction with existing pavement curbs and driveway aprons shall be restored to meet or equal original profile and quality and any ground cover which has been disturbed shall, to the extent reasonably possible, be restored to original condition. The Street Commissioner may reject any application for a permit hereunder which does not contain sufficient information concerning the methods and materials to be used to restore the public way or which discloses that the proposed methods and materials will be inadequate to restore the public way to the minimum standards set forth herein. In the event the Street Commissioner rejects an application because of insufficient information regarding restoration or because the application reveals inadequate means of restoration, the Street Commissioner shall notify the applicant of the reason or reasons for the rejection and the applicant may submit one (1) additional application without payment of the application fee.
- G. Any person who provides electric, water, natural gas, sewer, telecommunications or other utility service and which is created or regulated by the State of Missouri or by the United States shall be exempt from the provisions of Subsection (C) of this Section when engaged in an activity directly relating to the provision of such utility service. In addition, such person shall not be obligated to obtain a permit prior to initiating excavation or obstruction where such activity is necessary to remedy a sudden interruption of service or avert a risk of explosion, fire, flood or other calamity, but such person shall, at all times, comply with Subsection (F) hereof; and such person shall obtain the permit as soon as reasonably practicable after such work has commenced and shall, in all other respects, be subject to the provisions of this Section. Any person performing work authorized or approved by the Administrator of the Sycamore Hills Lateral Sewer Service Repair Fund shall be exempt from the provisions of Subsection (C) of this Section. (Ord. No. 394 §§1—8, 1-16-03)

CHAPTER 520: REGISTRATION OF VACANT RESIDENTIAL STRUCTURES

SECTION 520.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide for effective monitoring and routine inspection of vacant buildings and structures that, due to Housing code violations, may endanger the life, limb, health, property, safety or welfare of the general public, and this Chapter shall apply to all residential structures that have been vacant for more than six (6) months and that are subject to Housing code violations.

SECTION 520.020: DEFINITIONS

The following words and phrases, when used in this Chapter, shall mean:

HOUSING CODE: A local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings.

RESIDENTIAL STRUCTURE: A structure devoted primarily to residential use, whether classified as residential or commercial, and regardless of the number of dwelling units contained within such structure.

SECTION 520.030: REGISTRATION REQUIREMENTS

Every parcel of residential property improved by a residential structure or commercial property improved by a structure containing multiple dwelling units, that is vacant and has been vacant for at least six (6) months and is characterized by violations of the Housing code shall be registered as a vacant residential structure and shall be subject to the registration fee.

SECTION 520.040: DESIGNATION OF VACANT RESIDENTIAL STRUCTURES

- A. *Registration.* The Building Commissioner for the Village of Sycamore Hills, Missouri, or his/her designee shall investigate any property that may be subject to registration. Based upon his/her findings, the Building Commissioner may register property as a vacant residential structure subject to this Chapter.
- B. *Notice Of Registration.* Within five (5) business days of such registration, the Village Clerk shall notify the owners of the registered property by mail at their last known address according to the records of the Village of Sycamore Hills and St. Louis County. Such notice shall state:
 1. A description of the property registered;
 2. A description of the Housing code violations found on the property;
 3. The fact that a semi-annual registration fee has been levied on the property; and
 4. The amount of the semi-annual registration fee.

C. Waiver Of Fee By Building Commissioner. The Building Commissioner may waive the registration fee in the following events:

1. If, within thirty (30) days of the date of notification, the property owner completes improvements to the property that are necessary to remove the property from registration under this Chapter and makes written request for a reinspection of the property and reconsideration of the levy of the registration fee, the Building Commissioner may waive levy of the registration fee if the improvements have brought the property within code requirements and result in an approved inspection.
2. If registration occurs less than six (6) months from the date of issuance of a building permit relative to the property subject to registration, the Building Commissioner may waive levy of the registration fee.
3. If two (2) required inspections have been approved by either Sycamore Hills or St. Louis County within a six (6) month period, the Building Commissioner may waive levy of the registration fee.

D. Appeal Of Registration And/or Reconsideration To Municipal Court. Within thirty (30) days of the date of such notification or within thirty (30) days of the latest reconsideration by the Building Commissioner, the property owner may appeal the decision to the office of the Municipal Court for the Village of Sycamore Hills.

Section 520.060: REGISTRATION FEE

A. Amount Of Fee. There is hereby established and levied a fee to be paid for each parcel of one hundred dollars (\$100.00) imposed on all owners of property registered under this Chapter.

B. Joint Responsibility. It shall be the joint and several responsibility of each owner of property registered pursuant to this Chapter to pay the annual registration fee.

C. Accrual Of Fee. The registration fee shall begin to accrue on the beginning of the second (2) calendar quarter after registration by the Building Commissioner or reconsideration by the Building Commissioner; however, in the event that an appeal is filed with the Municipal Court, the registration fee shall begin to accrue on the beginning of the second (2) calendar quarter after the final decision of the Municipal Judge or court of competent jurisdiction.

D. Billing Procedures - Late Penalties. The Village Clerk shall cause to be mailed to the owner of property registered under this Chapter, at his/her last known address, a bill for the annual registration fee. The fee shall be due and payable within thirty (30) days of mailing. In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for each property within thirty (30) days of the date of mailing, a late payment fee of twenty-five dollars (\$25.00) per month shall be assessed for each month during which the fee remains unpaid.

E. Failure To Pay Fee Unlawful. It shall be unlawful for any owner of property registered pursuant to this Chapter to fail to pay the registration fee imposed for such property. Any person found guilty of failing to pay any required fee shall be punished as provided in the general penalty provision set forth in Title I of the Municipal Code.

F. *Collection Of Delinquent Fees—Lien On Property And Other Effects Of Delinquent Fees—Foreclosure Proceedings.*

1. *Action to recover.* In addition to any other penalties provided by law, the Village may initiate and pursue an action in a court of competent jurisdiction to recover any unpaid fees, interest and penalties from any person liable therefore and, in addition, may recover the cost of such action, including reasonable attorney fees.
2. *Lien on property.* Any unpaid or delinquent fees, interest and/or penalties, whether or not reduced to judgment, shall constitute a lien against the property for which the fee was originally assessed until the same shall be fully satisfied. The Village Clerk is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the Building Commissioner from time to time.
3. *Obtaining permits prohibited.* In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for each property, including any late payment fee subsequently imposed, within sixty (60) days of the date of mailing of the initial bill, said owner shall not be permitted to apply for, obtain or renew any Village license or permit of any kind until such delinquency has been satisfied.
4. *Foreclosure.* Any registration fees which are delinquent for a period of one (5) year shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable Building Code cited by the Building Commissioner have been cured and pre-paying payment of all registration fees and penalties.
5. *Sale of property.* When being sold or sold of the property to a third party, the fee assessed property for the registration fees shall be considered paid and the delinquent registration fees forgiven.

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.005: PURPOSE

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors and retailers.

SECTION 600.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings:

AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent ($>0.5\%$) by volume. All beverages having an alcoholic content of less than one-half of one percent ($<0.5\%$) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

RESTAURANT: Any place of business, the main purpose and activity of which is to serve meals, sandwiches, short orders and other food to be eaten by its customers on the premises and which does not provide or furnish to the public lodging or sleeping rooms.

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises. (Ord. No. 230 §2, 4-12-83)

SECTION 600.015: SALE BY THE DRINK DEFINED

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "sale by the drink" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES

- A. No person shall sell or offer for sale intoxicating liquor in the Village of Sycamore Hills without a currently valid liquor license issued by the Village. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:
 1. *Package liquor—malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold. This license may include Sunday sales from 9:00 A.M. to Midnight.

2. *Package liquor—all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection (B)(1) of this Section.
3. *Liquor by the drink—malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (4) of this Section.
4. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales from 9:00 A.M. to Midnight.
5. *Liquor by the drink—all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(2) of this Section.

C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor on Sundays between the hours of 9:00 A.M. and Midnight:

1. *Package liquor—all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.
2. *Liquor by the drink—restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
3. *Liquor by the drink—amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
4. *Liquor by the drink—place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.

D. *Permits.*

1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
2. *Tasting permit—retailers.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.
3. *Tasting permit—winery, distiller, manufacturer, etc.*
 - a. Any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide and pour distilled spirits, wine or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subsection (D)(3), a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

- b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide, furnish or pour distilled spirits, wine or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 311.213, 311.482, 311.483, 311.486 or 311.437, RSMo., or on any tax exempt organization's licensed premises as described in Section 311.090, RSMo.

SECTION 600.030: LICENSE REGULATIONS

A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

B. *Newly-Opened Restaurant Bars Or Amusement Places.*

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

C. *Temporary Permit For Sale By Drink—Certain Organizations.*

1. The Village Clerk may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.

2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the Village shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. Operating Hours, Days.

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.
2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the

Village, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section. (Ord. No. 280 §31, 4-12-88)

SECTION 600.935: SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within three hundred (300) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Trustees, except that when a school, church or place of worship shall hereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within three hundred (300) feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 111.213, RSMo., or to a license issued to any church, school, civic service, fraternal, veteran, political or charitable club or organization which has obtained an exemption from the payment of Federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days. (Ord. No. 280 §26, 4-12-88)

SECTION 600.040: SCHEDULE OF LICENSE FEES

The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. General licenses.

a. Malt liquor—original package	\$ 75.00
b. Intoxicating liquor (all kinds)—original package	150.00
c. Malt liquor—by drink	75.00
d. Malt liquor and light wines—by drink	75.00
e. Intoxicating liquor (all kinds)—by drink	450.00

2. *Sunday sales.* (Additional fees)

a. Intoxicating liquor—original package	300.00
b. Restaurant bars	300.00
c. Amusement places	300.00
d. Liquor by the drink—charitable organizations	300.00

3. *Permits.*

a. Temporary permit—by the drink for certain organizations (7 days max.)	37.50
b. Tasting permit	37.50
c. Caterers	15.00
per each calendar day	

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.043: LICENSE FEES—IN ADDITION TO MERCHANT'S LICENSE TAXES

The license fees hereunder shall be payable in addition to any merchant's, business or corporation taxes or fees paid by any licensee hereunder to the Village. (Ord. No. 280 §28, 4-12-88)

SECTION 600.045: TEMPORARY LOCATION FOR LIQUOR BY THE DRINK, CATERERS—PERMIT—FEE REQUIRED

- A. The Village may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the Village an amount as set out in Section 600.040(3)(c) above, or fraction thereof, for which the permit is issued.
- B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the Village, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. Except

for Missouri-produced wines in the original package, the provisions of this Section shall not include the sale of packaged goods covered by this temporary permit.

- C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each Village the caterer delivers in, so long as such Village permits any caterer to deliver alcoholic beverages within the Village.
- D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.

SECTION 600.053: APPLICATION FOR LICENSE AND RENEWAL.

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the Village Clerk on a form to be provided by the Village, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the Village.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the Village; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Trustees also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.
- C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the Village for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- D. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall

renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in this Subsection.

SECTION 600.055: DESCRIPTION OF PREMISES IN APPLICATION

The premises shall, at the time of application for any license hereunder, be fully described and the areas for dispensing and sales upon and within said premises shall be accurately designated in such application. (Ord. No. 280 §19, 4-12-88)

SECTION 600.060: MINORS

A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.*

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
3. In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.
4. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

B. *Sales To Minor--Exceptions.*

1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such

person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. Misrepresentation Of Age By Minor To Obtain Liquor-- Use Of Altered Driver's License, Passport Or I.D. Cards, Permits.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.131, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. Minors In Possession Of Intoxicating Liquor.

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.010 or shall be visibly in an intoxicated condition as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.
2. The provisions of this Subsection shall not apply to a student who:
 - a. Is eighteen (18) years of age or older;

- b. Is enrolled in an accredited college or university and is a student in a culinary course;
- c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
- d. Tastes a beverage under Subsection (D)(2)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

- 3. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge. Chemical analysis of the person's breath, blood, saliva or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:

- a. The type of test administered and the procedures followed;
- b. The time of the collection of the blood or breath sample or urine analyzed;
- c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
- d. The type and status of any permit which was held by the person who performed the test;
- e. If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

"Full information" does not include manuals, schematics or software of the instrument used to

test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.

SECTION 600.065: BURDEN OF PROOF ON VIOLATOR CONCERNING MANUFACTURER-SEALED CONTAINER

For purposes of determining violations and prosecution under this Chapter or any rule or regulation of the Supervisor of Alcohol and Tobacco Control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

SECTION 600.070: MISCELLANEOUS PROVISIONS

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Packaging, Labeling.* Any retailer licensed pursuant to this Chapter shall not:
 1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. *Mixing Liquor With Drugs Prohibited.* No licensee or any other person shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. *Unlawful To Sell Unlabeled Liquor--Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. *Only Those Liquors Authorized By License To Be Kept On Premises.*
 1. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.

2. Any retailer licensed pursuant to this Chapter shall not:

- a. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
- b. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

SECTION 600.080: WARNING SIGN DISPLAYED--LIQUOR LICENSEES

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

SECTION 600.090: ADMINISTRATION OF LAW--LICENSEE SUSPENSION/REVOCATION

A. *Suspension Or Revocation Of License--When--however.* The Board may suspend or revoke the license of any person for cause shown. In such cases the Village Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.100 of this Chapter.

B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapter 311, PSBMo., or any ordinance of the Village;
2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;
3. Making a false affidavit in an application for a license under this Chapter;
4. Failing to keep an orderly place or house;
5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed

premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;

6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years;
 - b. Any person during unauthorized hours on the licensed premises;
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor; or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Board.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State Liquor License is revoked or if the licensee is convicted in any court of any violation of Chapter 311, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State Liquor License is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee deemed to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.100: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

- A. *Testimony—Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- B. *Witnesses—How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and return thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the Village Clerk to tell the truth and nothing but the truth.
- D. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.090 of this Chapter, the Board shall issue a written

order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.

- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

SECTION 600.110: PROHIBITION OF SALE OF LIQUOR BY THE DRINK—EXCEPTIONS

- A. The sale of intoxicating liquor by the drink for consumption on the premises within the Village of Sycamore Hills is hereby prohibited.
- B. Notwithstanding the provisions of Subsection (A) hereof, a person satisfying the requirements of this Section may be granted a license for the sale of various liquors by the drink or malt liquor by the drink for consumption on the premises, provided said applicant satisfy the following additional requirements:
1. If a renewal or a transfer application, the subject business premises is a "restaurant bar" as defined in this Section;
 2. If an initial application, the subject business premises is a restaurant which has been continuously operated at the current location for at least six (6) months and during any licensed (3) consecutive months has generated gross sales from the restaurant operation of at least eight thousand dollars (\$8,000.00) each month. (Ord. No. 280 §32, 4-12-07)

CHAPTER 605: BUSINESS REGULATIONS

ARTICLE I. BUSINESS LICENSES—GENERALLY

SECTION 605.010: LICENSE REQUIRED

It shall be unlawful for any person, firm or corporation to engage in any business or occupation in the Village of Sycamore Hills without having first applied for and obtained a license to conduct such business or occupation from the Village Clerk and without paying the license fee therefor, all as provided for in this Chapter.

SECTION 605.020: LICENSE APPLICATION AND ISSUANCE

- A. All applications for the licenses required herein shall be made to the Village Clerk on appropriate forms provided for that purpose by the Village. All licenses issued by the Village Clerk shall be in such form as is provided by the Board of Trustees; provided, however, that each license shall bear the signature of the Chairman of the Board of Trustees and the Village Clerk, the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Trustees.
- B. Each applicant for a business license under this Chapter shall submit a statement from the Village and Department of Revenue pursuant to Section 144.0234, RSMo., stating no tax is due, which statement is a prerequisite to the issuance or renewal of a Village business license. The date and amount required by the Section shall be paid within sixty (60) days of submission of the statement to the application or renewal application.

SECTION 605.030: LICENSES FOR CERTAIN OCCUPATIONS

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

GRASSIE SALE: Any sale of personal property conducted by or under the direction of a person at his/her place of residence or a residence not at his/her control, to which sale the general public is invited or at which sale the general public is permitted to attend.

MERCHANT: Any person, firm or corporation who shall maintain, within the limits of the Village of Sycamore Hills an office, store, shop or other fixed place for the purpose of selling any goods, wares, merchandise, services or other things.

- B. *License Required.*

1. No merchant shall conduct any business within the limits of the Village of Sycamore Hills without first having received from the Board of Trustees of the said Village a merchant's license to do so. Upon the Board of Trustees receiving such application, the Board of Trustees shall, within a reasonable time thereafter, inquire into whether or not the applicant has complied with all ordinances of the Village of Sycamore Hills and, in the event such applicant has so complied with all of such ordinances, the Board of Trustees shall issue to such applicant a license upon

the payment of the license fee as herein prescribed. Such license shall authorize the merchant to engage in only such business or businesses as are specifically described in the license and may contain such restrictions and conditions as the Board of Trustees shall reasonably determine are necessary or appropriate for the public health, safety and welfare.

2. From and after the effective date hereof, any applicant for a new or renewal merchant's license shall submit a statement from the Fire Marshal or other designated officer of the Community Fire Protection District or its successor confirming that an inspection of the premises for which the merchant's license is sought has been performed within the preceding ninety (90) days and that no deficiencies or other unsafe conditions existed. Thereafter, such statement shall be submitted with the application only biennium years or in the event any structural alterations or casualty damage to the premises occurred in the year prior to the application. In the event any deficiencies or unsafe conditions are disclosed, the Board, in its reasonable discretion, may defer consideration of or reject the application or may grant a temporary license subject to such restrictions and conditions as the Board of Trustees shall reasonably determine are necessary or appropriate for the public health, safety and welfare.

- C. *License Fee.* The license fee for merchants shall be paid on a calendar year basis and shall be as follows for each calendar year or part thereof:

Any merchant must \$ 50.00 per year

Any licensee under this Article shall keep the license which he/she has received posted in a conspicuous place so that it may be readily seen by any Police Officer or official of the Village of Sycamore Hills.

C. *Garage Sales*

1. Notwithstanding the provisions of Subsection (C) and Subsection (D) hereof, a resident of the Village of Sycamore Hills or the owner or caretaker of residential real property in the Village of Sycamore Hills may conduct a garage sale as defined in this Article at such residence, provided said person complies with the provisions of this Subsection (D).
2. Any person seeking to conduct a garage sale shall first obtain from the Board of Trustees a permit for such garage sale and pay to the Village a fee of two dollars (\$2.00) for the issuance of such permit. With respect to the permit authorized by this Subsection only, the Board of Trustees may designate one (1) or more Trustees or Village Officials who are hereby authorized to issue such permits on behalf of the Board of Trustees upon determining that the applicant has otherwise complied with the provisions of this Subsection (D).
3. Only one (1) garage sale may be conducted at a residence during a calendar year and no garage sale may be conducted at a residence within thirty (30) days after a prior garage sale at such residence.
4. No garage sale may be conducted for more than two (2) consecutive days and the dates of such garage sale shall be designated on the permit issued pursuant to Subsection (D)(2) hereof.
5. Notwithstanding Subsections (D)(3) and (4) hereof, the Board of Trustees may issue a permit authorizing the conduct of a garage sale for three (3) non-consecutive days, which days shall be designated in the permit, provided:

- a. The person or persons conducting such garage sale is or intends vacating the residence within sixty (60) days following the date of application for such permit; and
 - b. A certificate of compliance has been requested in conformity with Ordinance No. 225 or any amendment thereof and an initial inspection has been conducted prior to the first (1st) date of the garage sale designated on the permit.
- G. All garage sales conducted within the Village of Sycamore Hills shall commence no earlier than 7:00 A.M. and shall conclude no later than 7:00 P.M. on each day on which the sale is conducted.
- H. *Penalty For Violation.* Any person, firm or corporation violating any of the provisions of this Article shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each day that said person, firm or corporation shall violate any of the provisions of this Article shall be considered as a separate offense. (Ord. No. 278 §§1-6, 10-13-87; Ord. No. 374 §§1-2, 2-18-00)

SECTION 605.040: LICENSE NOT TRANSFERABLE

No license issued under the provisions of this Chapter shall be transferable or transferrable and it shall apply only to the person to whom same is issued. In the event any licensee, as provided for here, shall move his/her place of business from one location to another location within the Village, said licensee shall submit a statement of the fact of such change to the Village Clerk who may transfer said license to the new location only. In no case, however, shall said license be applied to a new person or to another or from the kind of business or occupation originally licensed to a other type of business or occupation.

SECTION 605.050: TERM OF LICENSE

The term of the licenses issued pursuant to the provisions of this Chapter shall be from January first (1st) to December thirty-first (31st) of the next year. In the event any licensee hereunder shall commence business on or after July first (1st), the Village Clerk shall issue with license to the rate of one-half (½) of the license fee for each six (6) month period of July first (1st) to December thirty-first (31st) or fraction thereof.

SECTION 605.060: RENEWAL APPLICATIONS

All applications for renewal of a license provided for herein shall be filed on or before December first (1st) of each year.

SECTION 605.070: DISPLAY OF LICENSE

Each license issued by the Village under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said licensee. If there is no place of business, said license shall be carried on the licensee's person.

SECTION 605.080: PERSONS NOT TO BE CHARGED FOR BUSINESS LICENSE

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this Village shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling and after December 31, 2003, no investment funds services corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty five thousand dollars (\$25,000.00) annually, any law, ordinance or Chapter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, waterman, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesperson in this Village shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the Village of Sycamore Hills.

SECTION 605.090: REVOCATION OF LICENSES-CAUSES

Any license issued by the Village pursuant to the provisions of this Chapter may be revoked by the Board of Trustees for any of the following reasons, as well as for any other reasons specified in this Chapter:

1. Any failure to comply with or any violation of any provisions of this Chapter, or any ordinance or resolution of the Village regulating the business, occupation or activity licensed, or the interests of the State of Missouri or any law.
2. Violation of the terms and conditions upon which the license was issued.
3. Failure of the licensee to pay any fee or obligation due to the Village.
4. Any misrepresentation or false statement in the application for a license required herein.
5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be required pursuant to these provisions.

SECTION 605.100: REVOCATION OF LICENSES-PROCEDURE

In any case in which a complaint has been made to the Board of Trustees, or in which the Board of Trustees have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:

1. The Board of Trustees shall set a date for a hearing to consider the question of revocation.
2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address as shown in the records

of the Village Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.

3. During the pendency of this hearing before the Board of Trustees, the licensee shall be permitted to continue the operation of his/her business.
4. At the hearing set by the Board of Trustees, the Board of Trustees shall hear all relevant and material evidence justifying the revocation of the license.
5. The licensee may be present in person and/or by his/her attorney and may present evidence.
6. After hearing the evidence presented, the Board of Trustees shall vote on the issue of whether the subject license shall be revoked.
7. The affirmative vote of a majority of the Board of Trustees shall be necessary to revoke any license.

SECTION 605.110. VIOLATION AND PENALTY

Any person, firm or corporation or co-partnership who shall violate any provision of this Chapter, or who shall exercise or attempt to exercise any of the occupations, trades or avocations, or who shall carry on or engage in or attempt to carry on or engage in any of the businesses for which a license is required in this Chapter in the Village of Saratoga Falls without first paying the tax levied hereon and obtaining a license thereon shall, upon conviction, be deemed guilty of an ordinance violation and shall be punished by a fine as specified in Section 100.110 of this Code.

ARTICLE II. MISCELLANEOUS BUSINESS

SECTION 605.120. USE AND LOCATION OF CERTAIN PORTABLE CONTAINERS

- A. As used herein, the phrase "portable container" shall refer to any dumpster, storage unit or other container without internal bracing in excess of forty (40) cubic feet which is mounted on a self-propelled support or by rods, bars, ridges or similar loading and/or any wheels or rollers directly for the purpose of loading, unloading, or positioning such container, which container is designed or used to either the disposal of waste or the temporary storage of personal property and which container is not permanently affixed to the lot or parcel of land.
- B. It shall be unlawful to park, position or locate any portable container within the Village limits except in accordance with the provisions of this Section.
- C. Without a permit issued by the Village, no person may have more than one (1) portable container located on any parcel or lot and said portable container shall be located either in the rear yard of said parcel or lot or upon a driveway, provided such portable container is positioned as near to the rear of the driveway as reasonably possible and no portion of said portable container is closer than three (3) feet to the sidewalk or, where no sidewalk exists, no closer than five (5) feet from the curb.
- D. Without a permit issued by the Village, no person may have a portable container located within the

Village for more than fifteen (15) consecutive days and, without a permit issued by the Village, no person may have portable containers located on or at a residence for more than forty-five (45) days during any twelve (12) month period commencing with the first (1st) day on which any portable container is located on or at such residence.

B. Permit.

1. Upon written application of an owner or occupant of a parcel or lot within the Village and payment of a fee of five dollars (\$5.00), the Building Commissioner, or in the absence of the Building Commissioner, either the Police Commissioner of the Village or a Trustee of the Village designated in writing by the Building Commissioner (hereinafter such authorized officers to be designated as "the Commissioner"), may issue a permit for a period not to exceed fifteen (15) days to such owner or occupant, which shall constitute a variance from the limitations set forth in Subsection (C) hereof on the number of portable containers which may be located on a parcel or lot. Said permit shall only be issued if the storage containers cover an area of footprint not exceeding one hundred (100) square feet and will otherwise comply with all requirements of this Article. Said permit may be renewed for not more than two (2) additional fifteen (15) day periods at no additional fee, provided the owner or occupant demonstrates to the satisfaction of the Commissioner that the portable containers do not constitute a health hazard or public nuisance. No permit or permits may be issued under this Subsection for a cumulative period in excess of thirty (30) days. Nothing in this (2) month period, but an owner or occupant may apply for a permit under Subsection (D)(2), of this Section.

2. Upon written application of an owner or occupant of a parcel or lot within the Village and payment of a fee of fifty dollars (\$50.00), the Commissioner may issue a permit for a period not to exceed forty-five (45) days to such owner or occupant, which shall constitute a variance from the legal limitations of the number of containers of less than ten (10) cubic feet. The Commissioner may issue the permit only if the Commissioner is satisfied that the owner or occupant has made reasonable efforts to comply with the requirements of this Article, or that compliance is not workable under hardship upon the owner or occupant. In the event the Commissioner grants such permit, the Commissioner may take such steps as the owner or occupant is required to take relating to the location of such portable containers and, in any event, the owner or occupant shall take all actions reasonably and practically necessary to ensure that any container location for such portable container shall not endanger the public health or safety. Upon or before the expiration of the permit, the owner or occupant may apply for additional permits for the same fee specified in this Subsection and upon such continued or additional conditions as the Commissioner may direct. Notwithstanding the foregoing, no permit may be issued by the Commissioner which would authorize or allow the placement of any portable container upon any street within the Village except while in the process of moving or removing such portable container.

- f. Notwithstanding any provision hereof, any owner or occupant of a parcel or lot within the Village shall be liable to the Village for replacing, restoring or repairing any damage to any street, roadway, sidewalk, curb, driveway upon or portion of the public way caused or resulting from the delivery, storage, location or retrieval of a portable container. In the event the owner or occupant fails to restore such portion of the public way to its prior condition within thirty (30) days following the removal of the portable container, the Village may cause such replacement, repairs or restoration to be made and shall impose a tax lien upon the property for the actual cost incurred by the Village for such replacement, repair or restoration.

- G. Any person violating any provision hereof, except the provisions of Subsection (F) hereof, may be punished by a fine not exceeding the amount of five hundred dollars (\$500.00) for each such violation, with each day such violation continues being considered a separate offense. (Ord. No. 399 §§1-7, 9-18-03)

SECTION 605.130: BUSINESS OF SELLING MOTOR FUEL

- A. For the purposes of this Section, "motor fuel" means and includes gasoline and every other volatile and inflammable liquid ordinarily, practically or chemically usable in internal combustion engines for the generating of power, but does not, however, include kerosene oil or kerosene distillates.
- B. No person, firm, partnership or corporation shall engage in, carry on or conduct the business of selling motor fuel in the Village of Sycamore Hills, St. Louis County, Missouri, nor shall any person, firm or corporation trespass the same for the use of themselves or other persons, firms, partnerships or corporations in the Village of Sycamore Hills, St. Louis County, Missouri, without first having obtained a license from the Village Collector.
- C. Every person, firm, partnership or corporation engaged in the retail sale of fuel in the Village of Sycamore Hills shall pay the Village Collector a monthly license fee for the month of each month for the preceding month. The amount of said monthly license shall be a sum equal to one cent (\$.01) for every gallon of motor fuel sold by such person, firm, partnership or corporation during the preceding month, provided however, that where the license fee of one cent (\$.01) per gallon upon the sale of each year's fuel shall have been paid by the purchaser within such payment shall be sufficient. It is the intent of this ordinance that the license fee shall be paid only once.
- D. Every person, firm, partnership or corporation engaged in the business of selling motor fuel shall keep on account a record of all receipts and sales of motor fuel showing the amount of gallons received and the number of gallons sold and shall file with the Village Clerk, on or before the tenth (10th) day of each month, a sworn statement of the number of gallons of motor fuel sold during the preceding calendar month. The Board of Trustees may designate the manner and manner of the receipt or receipts required herein and the receipts so shall have power to set, prescribe them in the books, documents and receipts to be used in the sale of gallons of motor fuel and shall be sold by a license, which are in the possession, control or custody of any licensee and any receipt signed and delivered to any person for the purpose of this ordinance.
- E. Every person, firm, partnership or corporation refusing or neglecting to make the report as provided for in Subsection (D) above, or who shall make any false or fraudulent statement or report, or who shall interfere with the Board of Trustees or their agents or inspectors in the enforcement of this Section shall be punished by a fine not exceeding five hundred dollars (\$500.00). (Ord. No. 56 §§1-5, 11-5-03)

CHAPTER 610: PEDDLERS AND SOLICITORS

SECTION 610.010: DEFINITIONS

SECTION 610.040: FEE

The fee for the issuance of each permit shall be:

1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the Village: No fee.
2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the Village: A fee of fifteen dollars (\$15.00) per year.
3. For a solicitor, including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence: No fee.
4. For a canvasser requesting a permit: No fee.

SECTION 610.060: APPLICATION FOR PERMIT

A person or organization, firm or individual, may apply for any (1) or more permits by completing an application form at the office of the Village Clerk or by the other means.

SECTION 610.060: ELEMENTS OF APPLICATION

The applicant person or organization shall provide the following information:

1. Name of applicant.
2. Address of person or organization.
3. The name, physical description and photograph of each person for whom a permit is requested. In lieu of this information, a release from the Village Clerk or other person authorized by the Village Clerk to release this information may be provided with a photograph taken.
4. The permanent and, if any, local address of the applicant.
5. The permanent and, if any, local address of each person for whom a permit is requested.
6. A brief description of the proposed activity related to this permit. Copies of newspaper or brochure distributed may be substituted for this description at the option of the applicant.
7. Date and place of birth for each person for whom a permit is requested and, if available, the Social Security number of such person.
8. A list of all infraction, offense, misdemeanor, ordinance violation and felony convictions of each person for whom a permit is requested for the seven (7) years immediately prior to the application.

9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a permit is requested.

10. If a permit is requested for a peddler:

- The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
- A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the Village's annual report of sales tax payees as provided by the Missouri Department of Revenue.
- The location where books and records are kept of sales which occur within the Village and which are available for Village inspection to determine that all Village sales taxes have been paid.

11. If a permit is requested for a solicitor:

- The name and permanent address of the organization, person or group for whom the permit is requested or principal are requested.
- The web address for this organization, person or group or other address where valid inquiries regarding subsequent questions can go for more information.

12. Any other information the applicant wishes to provide, pertinent to better understand the nature of the request and, references to other regulations which shall apply to the event, activity, good or service.

SECTION 610.070: APPLICATION FOR PERMIT

610.070.1. The applicant shall be bound by any other regulations that may be in effect at the time of the event, activity, good or service, which shall be subject to the Village's rules and regulations.

- The applicant has been convicted of a felony, misdemeanor or violation of a regulatory board regulation within the past seven (7) years.
- With respect to a particular permit, the applicant has within a period of seven (7) years been convicted of any felony, misdemeanor or violation of a regulatory board regulation within the past seven (7) years, or
- Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

SECTION 610.080: INVESTIGATION

During the period of time following the application for one (1) or more permits and its issuance, the Village shall investigate as to the truth and accuracy of the information contained in the application. If the Village has not completed this investigation within the sixteen (16) business hours provided in Section 610.070, the permit will nonetheless be issued subject, however, to administrative

revocation upon completion of the investigation. If a canvasser requests a permit, the investigation will proceed as described above, but if the Village refuses to issue the permit (or revokes it after issuance), the canvasser will be advised that the failure to procure an permit does not prevent him/her from canvassing the residents of the Village.

SECTION 610.090: DENIAL--ADMINISTRATIVE REVOCATION

If the issuing officer denies, or upon completion of an investigation revokes, the permit to any (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reasons for the denial which shall be immediately orally conveyed to the applicant. There shall be no oral notification and even before the preparation of the written report, the applicant shall have a right of appeal as appeal of the denial of further application before the Municipal Clerk of the Village.

SECTION 610.095: HEARING ON APPEAL

If the applicant requests a hearing on the denial or revocation of the permit, the hearing shall be held within ten (10) working hours after the denial or revocation. The hearing shall be held in a public place and shall be open to the public. The hearing shall also be subject to the following provisions:

SECTION 610.100: APPEAL--PERMIT

The applicant shall be notified of the hearing and shall be given the opportunity to be heard. The hearing shall be held in a public place and shall be open to the public. The hearing shall also be subject to the following provisions:

SECTION 610.105: APPEAL--REVOCATION

A permit shall be valid until the expiration date or until it is revoked or suspended by the Village. The date of expiration of the permit shall be as follows:

SECTION 610.110: REVOCATION OF PERMIT

In addition to the grounds for denial or revocation of a permit, a permit may be revoked for the following reasons:

1. Any violation of this Chapter by the applicant or by the person for whom the particular permit was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony, misdemeanor or ordinance violation involving moral turpitude within the last seven (7) years.

4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the Village Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 610.090 above.

1. Remove or cause to be removed any sign which is placed upon the exterior wall, door or entrance of the dwelling unit or upon the sidewalk or other public way adjacent to the dwelling unit, which contains the words "no soliciting," "no solicitors," "no peddlers," "no canvassers," "no door-to-door salesmen," "no door-to-door sales," "no door-to-door selling," "no door-to-door advertising," "no door-to-door business," "no door-to-door service," "no door-to-door work," "no door-to-door calls," "no door-to-door visits," "no door-to-door inquiries," "no door-to-door interviews," "no door-to-door examinations," "no door-to-door demonstrations," "no door-to-door presentations," "no door-to-door performances," "no door-to-door exhibitions," "no door-to-door lectures," "no door-to-door speeches," "no door-to-door sermons," "no door-to-door prayers," "no door-to-door hymns," "no door-to-door songs," "no door-to-door dances," "no door-to-door games," "no door-to-door contests," "no door-to-door quizzes," "no door-to-door surveys," "no door-to-door polls," "no door-to-door questionnaires," "no door-to-door forms," "no door-to-door cards," "no door-to-door letters," "no door-to-door notices," "no door-to-door announcements," "no door-to-door invitations," "no door-to-door requests," "no door-to-door offers," "no door-to-door proposals," "no door-to-door suggestions," "no door-to-door recommendations," "no door-to-door endorsements," "no door-to-door testimonials," "no door-to-door referrals," "no door-to-door introductions," "no door-to-door connections," "no door-to-door contacts," "no door-to-door communications," "no door-to-door interactions," "no door-to-door transactions," "no door-to-door exchanges," "no door-to-door transfers," "no door-to-door deliveries," "no door-to-door pickups," "no door-to-door drop-offs," "no door-to-door take-aways," "no door-to-door return-ables," "no door-to-door donations," "no door-to-door contributions," "no door-to-door offerings," "no door-to-door gifts," "no door-to-door presents," "no door-to-door favors," "no door-to-door tokens," "no door-to-door mementos," "no door-to-door keepsakes," "no door-to-door souvenirs," "no door-to-door trinkets," "no door-to-door baubles," "no door-to-door novelties," "no door-to-door curiosities," "no door-to-door oddities," "no door-to-door rarities," "no door-to-door specialties," "no door-to-door delicacies," "no door-to-door treats," "no door-to-door snacks," "no door-to-door beverages," "no door-to-door meals," "no door-to-door dishes," "no door-to-door entrees," "no door-to-door courses," "no door-to-door portions," "no door-to-door servings," "no door-to-door quantities," "no door-to-door amounts," "no door-to-door volumes," "no door-to-door masses," "no door-to-door numbers," "no door-to-door figures," "no door-to-door statistics," "no door-to-door percentages," "no door-to-door proportions," "no door-to-door ratios," "no door-to-door fractions," "no door-to-door decimals," "no door-to-door integers," "no door-to-door whole numbers," "no door-to-door natural numbers," "no door-to-door positive numbers," "no door-to-door negative numbers," "no door-to-door real numbers," "no door-to-door complex numbers," "no door-to-door imaginary numbers," "no door-to-door rational numbers," "no door-to-door irrational numbers," "no door-to-door transcendental numbers," "no door-to-door algebraic numbers," "no door-to-door geometric numbers," "no door-to-door arithmetic numbers," "no door-to-door harmonic numbers," "no door-to-door Fibonacci numbers," "no door-to-door prime numbers," "no door-to-door composite numbers," "no door-to-door even numbers," "no door-to-door odd numbers," "no door-to-door square numbers," "no door-to-door cube numbers," "no door-to-door fourth powers," "no door-to-door fifth powers," "no door-to-door sixth powers," "no door-to-door seventh powers," "no door-to-door eighth powers," "no door-to-door ninth powers," "no door-to-door tenth powers," "no door-to-door hundredth powers," "no door-to-door thousandth powers," "no door-to-door millionth powers," "no door-to-door billionth powers," "no door-to-door trillionth powers," "no door-to-door quadrillionth powers," "no door-to-door quintillionth powers," "no door-to-door sextillionth powers," "no door-to-door septillionth powers," "no door-to-door octillionth powers," "no door-to-door nonillionth powers," "no door-to-door decillionth powers," "no door-to-door undecillionth powers," "no door-to-door duodecillionth powers," "no door-to-door tredecillionth powers," "no door-to-door quattuordecillionth powers," "no door-to-door quindecillionth powers," "no door-to-door sexdecillionth powers," "no door-to-door septendecillionth powers," "no door-to-door octodecillionth powers," "no door-to-door novecentillionth powers," "no door-to-door googolplex powers," "no door-to-door infinity powers," "no door-to-door zero powers," "no door-to-door one powers," "no door-to-door two powers," "no door-to-door three powers," "no door-to-door four powers," "no door-to-door five powers," "no door-to-door six powers," "no door-to-door seven powers," "no door-to-door eight powers," "no door-to-door nine powers," "no door-to-door ten powers," "no door-to-door eleven powers," "no door-to-door twelve powers," "no door-to-door thirteen powers," "no door-to-door fourteen powers," "no door-to-door fifteen powers," "no door-to-door sixteen powers," "no door-to-door seventeen powers," "no door-to-door eighteen powers," "no door-to-door nineteen powers," "no door-to-door twenty powers," "no door-to-door thirty powers," "no door-to-door forty powers," "no door-to-door fifty powers," "no door-to-door sixty powers," "no door-to-door seventy powers," "no door-to-door eighty powers," "no door-to-door ninety powers," "no door-to-door hundred powers," "no door-to-door thousand powers," "no door-to-door million powers," "no door-to-door billion powers," "no door-to-door trillion powers," "no door-to-door quadrillion powers," "no door-to-door quintillion powers," "no door-to-door sextillion powers," "no door-to-door septillion powers," "no door-to-door octillion powers," "no door-to-door nonillion powers," "no door-to-door decillion powers," "no door-to-door undecillion powers," "no door-to-door duodecillion powers," "no door-to-door tredecillion powers," "no door-to-door quattuordecillion powers," "no door-to-door quindecillion powers," "no door-to-door sexdecillion powers," "no door-to-door septendecillion powers," "no door-to-door octodecillion powers," "no door-to-door novecentillion powers," "no door-to-door googol powers," "no door-to-door infinity," "no door-to-door zero," "no door-to-door one," "no door-to-door two," "no door-to-door three," "no door-to-door four," "no door-to-door five," "no door-to-door six," "no door-to-door seven," "no door-to-door eight," "no door-to-door nine," "no door-to-door ten," "no door-to-door eleven," "no door-to-door twelve," "no door-to-door thirteen," "no door-to-door fourteen," "no door-to-door fifteen," "no door-to-door sixteen," "no door-to-door seventeen," "no door-to-door eighteen," "no door-to-door nineteen," "no door-to-door twenty," "no door-to-door thirty," "no door-to-door forty," "no door-to-door fifty," "no door-to-door sixty," "no door-to-door seventy," "no door-to-door eighty," "no door-to-door ninety," "no door-to-door hundred," "no door-to-door thousand," "no door-to-door million," "no door-to-door billion," "no door-to-door trillion," "no door-to-door quadrillion," "no door-to-door quintillion," "no door-to-door sextillion," "no door-to-door septillion," "no door-to-door octillion," "no door-to-door nonillion," "no door-to-door decillion," "no door-to-door undecillion," "no door-to-door duodecillion," "no door-to-door tredecillion," "no door-to-door quattuordecillion," "no door-to-door quindecillion," "no door-to-door sexdecillion," "no door-to-door septendecillion," "no door-to-door octodecillion," "no door-to-door novecentillion," "no door-to-door googol," "no door-to-door infinity." This sign shall be removed within 72 hours after the date of posting.
2. Remain upon any private property where a notice to the resident or occupant is posted, if any door or entrance way leading into the residence or dwelling at which person is invited to enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
3. Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.

5. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

SECTION 610.160: VIOLATION TO BE PROSECUTED AS A MISDEMEANOR

A person violating any part of this chapter shall be guilty of a misdemeanor and shall be prosecuted under the general criminal code of the Village. The penalty for such violation shall be the same as for any other felony.

CHAPTER 615: VIDEO SERVICE PROVIDERS

SECTION 615.005: RATIFICATION OF EXISTING FRANCHISES

- A. To the extent permitted by the 2007 Video Services Providers Act, the Board of Trustees of the Village of Sycamore Hills, Missouri, hereby ratifies all existing agreements, franchises, code provisions and ordinances regulating cable television operators and other video service providers, including the imposition of a franchise fee of five percent (5%) imposed on the gross revenues of all such providers and further declares that such agreements, franchises and ordinances shall continue in full force and effect until expiration as provided therein or until pre-empted by the issuance of video service authorizations by the Missouri Public Service Commission or otherwise by law, but only to the extent of said pre-emption.
- B. It shall be unlawful for any person to provide video services, as defined in Section 615.010 hereof, within the Village without either an agreement, franchise or ordinance approved by the Village or a video service authorization issued by the Missouri Public Service Commission.

SECTION 615.010: DEFINITIONS

As used in this Article, the following terms shall have the following meanings unless otherwise defined by context:

AGREEMENT - The total programmatic and/or the Village agreement and/or ordinance, or a combination thereof, which regulates the operation of a video service provider or multiple providers.

CHURCH SERVICE FEE - The total amount billed to a church or religious organization for the provision of video services within the Village, including:

1. Receiving charges for video service;
2. Any amount charged for a video service, including but not limited to, the following:
 - a. Service charges;
3. Amount of set up costs and other video service equipment;
4. Service charges related to the provision of video service, including, but not limited to, activation, installation, repair and maintenance charges;
5. Administrative charges related to the provision of video service, including but not limited to, service order and service termination charges; and
6. A pro rata portion of all revenue derived, less refunds, rebates or discounts, by a video service provider for advertising over the video service network to subscribers, where the numerator is the number of subscribers within the Village and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include:
 - a. Discounts, refunds and other price adjustments that reduce the amount of compensation received by a video service provider;

- b. Uncollectibles;
- c. Late payment fees;
- d. Amounts billed to subscribers to recover taxes, fees or surcharges imposed on subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized herein;
- e. Fees or other contributions for local or local support or
- f. Any other fees or other charges that are suggested or due but which were not collected from subscribers, provided the video service provider can reasonably identify such charges on books and records kept in its regular course of business or by other reasonable means. Except with respect to the collection of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles.

RESIDENTIAL: An apartment, a house, a mobile home or any other structure or part of a structure intended for residential occupancy as a separate living quarters.

VIDEO SERVICE AUTHORIZATION: A contract with a video service provider for the distribution of video service through a video service network, as defined in the video service provider fee schedule.

PERSON: An individual, partnership, association, corporation, firm or any other entity.

VIDEO SERVICE PROVIDER: Any person or entity authorized to provide video service.

VIDEO SERVICE: The provision of video programs being provided through a video service network, as defined in the video service provider fee schedule, pursuant to a video service authorization. The term "video service" shall include the provision of video programs through a video service network, as defined in the video service provider fee schedule, pursuant to a video service authorization. The term "video service" shall include the provision of video programs through a video service network, as defined in the video service provider fee schedule, pursuant to a video service authorization.

VIDEO SERVICE / DISTRIBUTION: The right of a video service provider to distribute video programs, that extending to video service through a video service network, as defined in the video service provider fee schedule, pursuant to a video service authorization.

VIDEO SERVICE NETWORK: The video service network, as defined in the video service provider fee schedule, shall include any video service network, including but not limited to, any video service network, as defined in the video service provider fee schedule, shall include any video service network, as defined in the video service provider fee schedule.

VIDEO SERVICE PROVIDER FEE: The fee imposed under Section 615.010 herein.

VIDEO SERVICE PROVIDER OR PROVIDER: Any person authorized to distribute video service through a video service network pursuant to a video service authorization.

SECTION 615.020: GENERAL REGULATIONS

- A. A video service provider shall provide written notice to the Village at least ten (10) days before commencing video service within the Village. Such notice shall also include:
1. The name, address and legal status of the provider;
 2. The name, title, address, telephone number, e-mail address and fax number of individual(s) authorized to serve as the point of contact between the Village and the provider so as to make contact possible at any time (i.e., twenty-four (24) hours per day, seven (7) days per week); and
 3. A copy of the provider's video service authorization issued by the Missouri Public Service Commission.
- B. A video service provider shall also notify the Village, in writing, within thirty (30) days of:
1. Any changes in the information set forth in or accompanying its notice of commencement of video service; or
 2. Any transfer of ownership or control of the provider's business assets.
- C. A video service provider shall not deny access to service to any group of potential subscribers solely on the basis of the race, ethnicity, or ancestry of the group. The Village shall not discriminate on the basis of race, ethnicity, or ancestry in its provision of video service. Any denial of service on the basis of race, ethnicity, or ancestry shall be deemed a violation of the Village's nondiscrimination policy and shall be subject to the Village's enforcement procedures.
- D. A video service provider shall comply with all Federal Communications Commission (FCC) rules and regulations, including those relating to the provision of video service, and shall not engage in any activity that would result in the provider being found in violation of any FCC rule or regulation.
- E. A video service provider shall not be held liable for any damages, including those caused by the Village, its officials, agents, or employees, or by any third party, in connection with the provider's provision of video service, except to the extent that the provider is found to be negligent or to have acted with intent or recklessness. The Village shall not be held liable for any damages, including those caused by the provider, its officials, agents, or employees, or by any third party, in connection with the provider's provision of video service, except to the extent that the Village is found to be negligent or to have acted with intent or recklessness.
1. The construction, maintenance, repair or operation of its video service network;
 2. Copyright infringements; and
 3. Failure to secure content from the source, authorized distribution or broadcast, or to provide it to be delivered by the video service network. Such indemnification shall include, and is not limited to, the Village's reasonable attorneys' fees incurred in defending against any such claim prior to the video service provider assuming such defense. The Village shall notify the provider of a claim within seven (7) business days of its actual knowledge of the existence of such claim. Once the provider assumes the defense of the claim, the Village may at its option continue to participate in the defense at its own expense. This indemnification obligation shall not apply

to any claim related to the provision of public, educational or governmental channels or programming or to emergency interrupt service announcements.

SECTION 615.030: VIDEO SERVICE PROVIDER FEE

1. Video service providers shall maintain a local, toll-free or pay-as-you-go telephone number, which may be available to subscribers twenty-four (24) hours a day, seven (7) days a week.
2. Video service providers shall have trained company representatives available to respond to customer telephone inquiries during normal business hours. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours shall be responded to, by a trained company representative, on the next business day.

3. Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under normal operating conditions, measured on a quarterly basis.
4. Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.
5. Customer service centers and bill payment locations shall be open at least during normal business hours and shall be conveniently located.
6. Under normal operating conditions, each of the following standards shall be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:
 - a. Standard installations shall be performed within seven (7) business days after a request has been placed. "Standard" installation are those that are located up to one hundred twenty-five (125) feet from the existing distribution system.
 - b. Extending conditions beyond the control of the operator, the video service provider shall begin working on "service later" orders promptly and a customer service representative shall be available to assist the customer within one (1) hour after the interruption becomes known. The video service provider shall take actions to correct other service problems the next business day after notification of the service problem.
 - c. The video service provider shall attempt to resolve the problem within one (1) business day after the problem is reported. If the problem is not resolved within one (1) business day, the video service provider shall attempt to resolve the problem within two (2) business days. The operator may schedule an appointment to resolve the problem within one (1) business day of the problem being reported. The video service provider shall attempt to resolve the problem within one (1) business day of the appointment.
 - d. If a video service provider's representative is unable to resolve the problem within one (1) business day, the video service provider shall attempt to resolve the problem within two (2) business days. The operator may schedule an appointment to resolve the problem within one (1) business day of the problem being reported. The video service provider shall attempt to resolve the problem within one (1) business day of the appointment.
7. Return checks shall be issued promptly, but no later than:
 - a. The customer's next billing cycle following completion of the check; or
 - b. The return of the equipment supplied by the video service provider if the service is terminated.
8. Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.
9. Video service providers shall not disclose the name or address of a subscriber for commercial

gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video service provider or its affiliates, as required under 47 U.S.C. Section 551, including all notice requirements. Video service providers shall provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name or address.

The installation of any such video channel and the provision of such programming shall be the responsibility of the Village and the video service provider shall bear no responsibility for the benefit of such channel and the video service provider shall bear no responsibility for the transmission of the programming on each such channel or subchannel. The Village shall ensure that all transmissions of video content and programming in a format or form that is capable of being accepted and transmitted by such video service provider holder over its network without further alteration or change in the content or transmission signal. Such content and programming must be compatible with the technology or protocol utilized by the video service provider to deliver its video services. The video service provider shall cooperate with the Village to allow the Village to achieve such compatibility.

- D. The Village shall make the programming of any PEG access channel available to all video service providers in a non-discriminatory manner. Each video service provider shall be responsible for providing the connectivity to the Village's or its duly appointed agent's PEG access channel distribution points existing as of August 27, 2007. Where technically necessary and feasible, video service providers shall use reasonable efforts and shall negotiate in good faith to interconnect their video service networks on mutually acceptable rates, terms and conditions for the purpose of transmitting PEG programming. A video service provider shall have no obligation to provide such interconnection to a new video service provider at more than one (1) point per headend, regardless of the number of political subdivisions served by such headend. The video service provider requesting interconnection shall be responsible for any costs associated with such interconnection, including signal transmission from the origination point to the point of interconnection. Interconnection may be accomplished by direct cable interconnect links, satellite or other reasonable method of connection acceptable to the person providing the interconnect.
- E. The franchise obligation of an incumbent cable operator to provide inventory and other support for PEG access facilities existing on August 27, 2007 shall continue until the end of the fifth regulatory (regarding any modification by order of board of directors or other duly authorized) anniversary, whichever is earlier. Any other video service provider shall have the same obligation to support PEG access facilities as the incumbent cable operator, but to only a maximum of (1) headend, then the headend with the most subscribers as of August 27, 2007. Such obligations shall be provided, depending on the nature of the obligation as provided in Sections 2103.1, 2103.2, 2103.3, 2103.4, 2103.5 and 2103.6 of the Village Code. The Village shall notify each video service provider of the amount of the fee to be received from each headend one (1) year after the end of the fifth anniversary of the date.

Any video service provider who is a member of the Village shall be subject to the same rules and regulations as any other member of the Village who is a member of the Village.

SECTION 615.060. VIDEO SERVICE PROVIDERS SHALL BE SUBJECT TO THE SAME RULES AND REGULATIONS AS ANY OTHER MEMBER OF THE VILLAGE.

Any video service provider who is a member of the Village shall be subject to the same rules and regulations as any other member of the Village.

VILLAGE OF SYCAMORE HILLS

CROSS REFERENCE

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
4	Repealed/68		
5	Repealed/68		
18	Superseded		
19	4-12-45	1--4 6--8 8--13	405.010--405.050 405.060 405.090--405.140
40	Repealed/68		
43	N.G.A.		
65	3-14-53	2	110.030
68	Superseded		
69	Repealed/103		
76	8-9-55	1	110.030(A)
77	Superseded		
79	Superseded		
82	11-8-55	1	205.140
84	Repealed/344		
85	Superseded		
86	11-8-55	1-5	605.120
89	Superseded		
93	Repealed/311		
99	Superseded		
99	11-7-55	2-3	210.157
99	Repealed/120		
99	Superseded		
99	12-13-55	1-3	235.090
99	Superseded		
100	Repealed/184		
103	N.G.A.		
104	Repealed/262		
103	Superseded		
112	Repealed/195		
113	Superseded/279		
116	Superseded		
120	6-14-60	1-3	500.040 - 500.050
123	6-12-67	1	130.010
126	N.G.A.		
129	9-10-63	1-3	235.010--235.020
132	Superseded		
142	Repealed/279		
146	Repealed/278		
148	Superseded		
154	Superseded		
155	Superseded		
158	12-9-69	1	210.304
159	Superseded		

Sycamore Hills Village Code

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
164	9-14-71	1--3	405.040
165	N.G.A.		
169	N.G.A.		
170	N.G.A.		
174	7-10-73	1--7	500.080
175	Repealed/279		
180	Superseded		
184	12-10-74	1--2(1) 2(2)	405.020 405.030
189	11-11-75	1--2	500.080
195	Repealed/394		
198	Repealed/279		
205	10-10-78	1--2	405.010
213	Repealed/278		
223	N.G.A.		
224	Repealed/279		
225	11-11-80	1--34	510.010--510.060
231	Superseded		
240	Repealed/285		
250	Repealed/280		
253	N.G.A.		
254	Superseded		
255	N.G.A.		
259	Superseded		
260	Repealed/291		
261	N.G.A.		
262	Superseded		
263	3-11-86	1--2	510.020--510.030
265	Repealed/319		
269	Repealed/290		
272	Repealed/284		
273	Superseded		
278	10-13-87	1--6	605.030
279	11-10-87	18-5 18-6 18-10 18-11 18-16 18-43 18-21.1 18-33 18-36 18-43 18-44--18-48 18-53 18-57	210.033 210.223 210.525 210.195 210.197 210.190 210.680 210.305 210.690 210.307 210.700--210.710 210.720 405.040
280	4-12-88	2 19 26	600.010 600.055 600.035

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280(cont)	4-12-88	28 31 32	600.043 600.030 600.110
282	Repealed/339		
283	10-11-88	1	510.020
284	Superseded/416		
285	Superseded		
286	6-13-89	1	405.040
287	N.G.A.		
288	Repealed/313		
289	Repealed/326		
290	Superseded		
291	Superseded		
293	N.G.A.		
294	Repealed/387		
296	Superseded/414		
297	Repealed/304		
298	7-10-90	1—5	405.080
299	Repealed/316		
300	Repealed/387		
302	10-9-90	1—2	405.040
303	Superseded		
304	Superseded		
306	Repealed/387		
307	N.G.A.		
308	N.G.A.		
309	N.G.A.		
310	Repealed/387		
311	8-11-92	2 6	230.010 230.030
312	N.G.A.		
313	1-12-93	1—9	410.010 —410.080
314	Repealed/387		
315	Repealed/387		
316	N.G.A.		
317	N.G.A.		
318	N.G.A.		
319	Superseded		
320	N.G.A.		
321	8-9-94	1—7	500.070
322	N.G.A.		
323	Repealed/326		
324	N.G.A.		
325	Repealed/414		
326	Superseded/416		
327	Repealed/351		
328	N.G.A.		
329	Superseded/416		
330	Superseded		

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331	N.G.A.		
332	Superseded		
333	3-12-96	1	500.070
334	N.G.A.		
335	N.G.A.		
336	N.G.A.		
337	N.G.A.		
338	N.G.A.		
339	10-8-96	2	105.030
340	N.G.A.		
341	Repealed/351		
342	Superseded		
343	N.G.A.		
344	Superseded/436		
345	5-13-97	1- 4	200.030
346	Repealed/356		
347	N.G.A.		
348	N.G.A.		
349	N.G.A.		
350	Superseded		
351	Superseded		
352	Repealed/159		
353	Repealed/387		
354	6-6-98	1- 2	210.510
355	N.G.A.		
356	8-11-98	2- 4	510.020 -510.030
357	8-11-98	1-3	410.050
358	N.G.A.		
359	Superseded/416		
360	N.G.A.		
361	3-9-99	1-2	510.050 -510.060
362	N.G.A.		
363	4-26-99	1-3	110.030
364	Repealed/391		
365	N.G.A.		
366	N.G.A.		
367	Repealed/387		
368	5-19-99	1- 13	240.010-240.120
370	N.G.A.		
371	Repealed/387		
372	N.G.A.		
373	5-18-00	1	510.030
374	5-18-00	1-2	605.030
375	N.G.A.		
376	N.G.A.		
377	Repealed/403		
378	N.G.A.		
379	N.G.A.		
380	11-16-00	1	510.030

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381	Superseded/416		
382	Superseded/416		
383	N.G.A.		
384	N.G.A.		
385	N.G.A.		
386	Repealed/387		
387	1-17-02	2.2	305.050
		3.1	329.030
		3.2—3.3	Sch. I
		4.1 —4.13	Sch. II
		5.1	Sch. III
		6.2	370.240
		6.5	340.220
		7.1 - 7.5	340.240
		10	300.020
388	N.G.A.		
389	N.G.A.		
390	N.G.A.		
391	Repealed/417		
392	N.G.A.		
393	Superseded		
394	1-16-03	1—3	375.010
395	N.G.A.		
396	3-19-03	1—2	340.240
397	N.G.A.		
398	N.G.A.		
399	3-12-07	1 —2	600.130
400	Repealed/401		
401	Superseded/416		
402	N.G.A.		
403	2-16-04	1— 2	405.070
404	11-18-04	1(3.1.5)	Sch. III
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413	N.G.A.		
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		10	115.025
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416	7-19-07	1—2	500.010
417	Repealed/439		
418	N.G.A.		
419	10-18-07	1—3	510.070
424	7-17-08	1	355.010

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
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426	N.G.A.		
427	N.G.A.		
429	7-18-03	1—5	100.230
433	1-15-09	1—2	500.020
436	2-19-09	1	215.010
		2	215.030
		3	215.020
437	2-19-09	1	210.600
438	N.G.A.		
439	N.G.A.		
440	4-16-09	1—2	500.030
10-458	6-15-10	1	125.030

N.G.A. — Not generally applicable.

Superseded --- Superseded means rendered obsolete by a later ordinance without being specifically repealed; if there is no ordinance number noted after the word superseded, the ordinance was rendered obsolete by provisions repeated upon the official code book and implemented by the adopting ordinance of this Code.

Repealed - Specifically repealed by a later ordinance.

na --- Not applicable.

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STATE LAW REFERENCE TABLE

The following tables are a cross reference listing in numerical order of the Sections of the Code and the State Statutes that correspond to that Section or are referenced in that Section. In order to facilitate the use of this cross reference the order is reversed in the second table with the State Statute Section numbers placed in numerical order and the corresponding Code Sections listed opposite them.

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